

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, OCTOBER 6, 2009.

**Board Members Present:** *William C. Chase, Jr., Chairman*  
*Larry W. Aylor, Vice-Chairman*  
Sue D. Hansohn  
Steven E. Nixon  
Brad C. Rosenberger  
Tom S. Underwood  
Steven L. Walker

**Staff Present:** Frank T. Bossio, County Administrator  
Roy B. Thorpe, Jr., County Attorney  
Valerie H. Lamb, Finance Director  
John C. Egertson, Planning Director  
Paul Howard, Director of Environmental Services  
Donna Foster, Deputy Clerk

**CALL TO ORDER**

Mr. Chase, Chairman, called the meeting to order at 10:03 a.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Mr. Underwood led the members of the Board and the audience in the Pledge of Allegiance to the flag.

**APPROVAL OF AGENDA**

Mr. Chase called for additions or deletions to the agenda.

Mr. Bossio, County Administrator, asked that **Voting Credentials for the Annual VACo Business Meeting** be added under **New Business**.

Mr. Nixon moved, seconded by Mr. Underwood, to approve the agenda as amended.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker  
Motion carried 7 to 0.

Mr. Chase recognized Bobbi Johnson, Superintendent of Schools; Jeff Shomo, Public Schools Financial Director; and Sheriff Jim Branch, and thanked them for attending.

### **APPROVAL OF MINUTES**

Mr. Chase presented the minutes of the September 1, 2009 regular meetings to the Board for approval.

Mr. Underwood moved, seconded by Mrs. Hansohn, to approve the minutes as submitted.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker  
Motion carried 7 to 0.

### **CONSENT AGENDA**

Mr. Bossio reviewed the following consent agenda items:

- a. The Board will consider acceptance of a \$1,000 donation to the Library from Martin's Grocery Store.
- b. The Board will consider acceptance and appropriation of a \$15,431 donation to the Library from The Library Foundation.
- c. The Board will consider acceptance and appropriation of a \$1,000 donation to the Sheriff's Office from Martin's Grocery Store.
- d. The Board will consider acceptance and appropriation of a \$1,125 grant to the Sheriff's Office from the Office of the Attorney General. (\$125 local match from the Sheriff's budget.)
- e. The Board will consider acceptance of a 1995 Chevrolet G-Series Cargo Van (valued at \$2,960) and the associated cost (\$400) for painting the van donated to the Sheriff's Office by Cintas.
- f. The Board will consider acceptance and appropriation of a \$58,400 grant to the Department of Emergency Services from the Virginia Office of Emergency Medical Services to purchase 15 mobile computers to be used in the volunteer and career staff rescue units. (No local match)

g. The Board will consider a budget amendment for the Department of Human Services for a change in funding to Head Start. (\$29,890 additional Federal funding with no local match)

h. The Board will consider adopting a resolution clarifying and confirming the terms of office of the Directors of the Economic Development Authority of Culpeper County.

i. The Board will consider acceptance and appropriation of a \$4,320 grant for the Department of Emergency Services from the Virginia Office of Emergency Medical Services to purchase surgical masks for use during a State declared pandemic event. (No local match)

Mr. Walker moved, seconded by Mr. Aylor, to approve the consent agenda as presented.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker  
Motion carried 7 to 0.

#### **GENERAL COUNTY BUSINESS**

#### **SPECIAL PRESENTATIONS/RECOGNITIONS**

#### **THE BOARD WILL RECOGNIZE THE COUNTY INFORMATION TECHNOLOGY DEPARTMENT FOR WINNING THE BEST DEPLOYMENT SCENARIO - NETWORK ACCESS CONTROL FOR 2009**

Mr. Chase presented a special recognition to Dianna Catron and her staff for winning the best performance scenario and network access control for 2009. Mr. Bossio read the recognition certificate.

Mr. Chase thanked Ms. Catron and staff for their hard work.

#### **VDOT REPORT TO THE BOARD**

Mr. Roy Tate, VDOT Assistant Residency Administrator, in the absence of Donald Gore, Residency Administrator, provided the following update on VDOT construction and activity within the County:

- Route 15 – one paving item and some touch-ups remaining to be done before the job would be completed.

- Route 522, from Route 634 to the Rappahannock County line – paving was in the process of being done today.
- Route 3 curve – the shoulder widening was done last month and the area was scheduled for overlay around November 1.
- Route 229 project – most of the major grading had been completed, pipe crossing work was underway, and the job was well ahead of schedule.
- Maintenance activities for the month were underway, such as grading of gravel roads, cutting brush, cleaning necessary pipes and ditches, picking up dead animals, installing and replacing signs; and collecting 295 bags of liter with assistance from County program and additional bags through the Adopt-a-Highway program.
- Bridge on Route 615 – due to a recent accident, damage was done to the guard rail and one side of the bridge; VDOT crew worked 24-hours for two days repairing the bridge and keeping the road open using a flag crew.
- White Shop road intersection at Routes 603-643 – study almost completed; reinvestigating the stop and sight distance and whether there should be a four-way stop.
- Request for a “school bus stop ahead” sign on Route 647 was still under review.
- Speed study for Route 620, from Route 610 to Route 674, was completed and signs would be installed by the end of the week.

Mr. Tate stated he would answer any questions.

Mr. Chase asked whether there was a requirement to inspect all bridges every two years within the State. Mr. Tate replied there was a requirement, but he was not sure about the time line. He noted that Culpeper's bridges were probably inspected more frequently than required.

Mrs. Hansohn inquired whether Mr. Tate was familiar with a Route 65 bypass proposed for Gordonsville that would end up in Culpeper near Rapidan. Mr. Tate replied that he was not aware of that proposal. Mrs. Hansohn stated that she understood a meeting would be held at Germanna Tech Center that evening. Mr. Tate explained that the Germanna meeting was to discuss the Route 29 Corridor Study, and a possible bypass might be included in that plan.

Mr. Nixon expressed concern that the 45-mile-per-hour speed limit (35-mile-per-hour limit during school hours) on Routes 666 and 29 was not being obeyed, and he asked whether any effort was being made to step up patrol in that area. Mr. Tate replied that he did know the answer, but if an increase in accidents occurred in that area, VDOT's traffic engineering would talk with local officials and State Police about actions to be taken.

Mr. Walker noted that the meeting at Germanna Tech on the Route 29 Corridor Study was scheduled for 5:00 p.m. to 8:00 p.m. and was open to the public.

### **CULPEPER SOIL AND WATER CONSERVATION DISTRICT BOARD REPORT**

Mr. Tom O'Halloran of the CSWCD Board provided an update on their activities and expressed appreciation for the Board's support over the years. He explained that the CSWCD was one of 47 districts in Virginia, and one of two districts that included five counties, i.e., Culpeper, Rappahannock, Greene, Orange and Madison Counties, with two elected directors from each county. He said the Board administered programs presented to landowners through the Department of Conservation and Recreation and the Natural Resource Conservation Service to assist in soil and water conservation within the five-county area, such as BMP programs, dam safety and flood plain management. He noted there were 11 dams in the five-county region, and the four located in Culpeper County had recently undergone recertification.

Mr. O'Halloran reported that the majority of the programs administered by the CSWCD were Best Management Programs used by landowners and the agriculture community to protect stream banks, control heavy animal traffic by fencing, and erosion control. He said the staff of eight assisted in managing approximately 6,500 acres in Culpeper under NRCS long-term programs, from five to 12-15 years, generating approximately to \$3 million for the County over that period of time.

Mr. Chase expressed appreciation on behalf of the Board for the work the SWCD was doing for the agricultural community.

### **FINANCING FOR OTHER CAPITAL PROJECTS**

Mr. Bossio presented a resolution for borrowing \$4 million through the Virginia Resources Authority Pooled Financing Program for the Board's consideration. He recalled that the debt financing was included in the last budget cycle.

Courtney Rogers of Davenport and Company explained that originally the private placement option for bank qualification had been considered, but after working with local and regional banks, other options had been explored due to the lower cost of issuance and the detailed process involved in using the public market.

He said it was found that using the VRA was the best decision. He presented a Plan of Finance that included the following:

- The County's approved CIP required debt financing of approximately \$4 million to fund the former Wachovia Bank building renovations, the Emergency Medical Services building, and the Courthouse renovations. Interest rates are currently at 40-plus year lows, but expected to go higher in the future. The Stimulus Act would be used to the fullest extent possible.
- Charts on GO 20-Bond Index (2008 to present) and (1947 to present) to indicate the interest rate environment. The index was at 3.94 percent as of October 2, 2009.
- A table indicating rates received from the local and regional banks about a month ago. The request was for 20-year financing, but several banks would not commit to that length of time: Two different bids from Wachovia for 7 years at 4.24 percent noncallable and 4.14 percent callable beginning July 2014; Sun Trust for 20 years at 4.82 percent for the first 10 years, and a rate to be reset for the final 10 years; and BB&T for 15 years at 4.68 percent and for 20 years at 4.89 percent.
- The 2009 Stimulus Act provided a two-year window of opportunity for increased bank qualified bonds for 2009 and 2010 where the limit increased from \$10 million to \$30 million, and following 2010, the limit returned to \$10 million. No one had been able to take advantage of the opportunity because the banks were not lending. A "Build America Bonds" bonding program has the potential to reduce the all-in cost of issuance to a locality, and it broke the \$30 billion barrier in the amount issued since its inception in April. Recent public market examples were given of localities had utilized Build America Bonds. A taxable rate is paid for the bonds, and the Federal Government rebates 35 percent of the interest.
- The plan is to utilize the Commonwealth's VRA and issue through its fall 2009 pool bond sale. A fee is charged of 1/8 of 1 percent on the outstanding bond amount plus fixed up-front fees. It is estimated that utilizing VRA, taking all costs into account at the current rates, would save the County as much as 1 percent, or over \$550,000 in total debt service savings.

Mr. Nixon inquired whether the 1/8 of 1 percent would be charged on the outstanding balance of the bond or the entire pool of the bonds. Mr. Rogers replied that everyone had the same fee, but the County would pay its pro rata share on its bond size that was estimated to be just over a half million dollars of total debt service over the life of the loan.

Mr. Rogers asked for the Board's approval of the VRA bond documentation. He said that even though the County would not be utilizing the EDA for this issuance, he planned to meet with its Board tomorrow to explain what was being done.

Mr. Rogers stated that the VRA would be meeting with the rating agencies during the week of October 12, and planned to mail the offering document or preliminary official statement the week of the 26<sup>th</sup>. He said the bond sale would be made the week of November 2, with closing a couple of weeks thereafter.

Mr. Underwood moved, seconded by Mr. Aylor, to approve the resolution for borrowing \$4.2 million through the Virginia Resources Authority Pooled Financing Program.

Mr. Nixon asked whether the County Attorney had reviewed the documentation, which was distributed just prior to the meeting.

Roy Thorpe, County Attorney, replied that he had reviewed the earlier drafts, and did not know what the differences were in the current document. Mr. Rogers stated that the only change was the \$4.2 million amount filled in and he recommended approval.

Mr. Nixon noted that a lease back agreement had been mentioned in several places and asked whether the buildings would be owned by the VRA with the the County's leasing them back until the note was satisfied. Mr. Rogers stated that would only apply to the Wachovia Building since it covered the approximately \$4 million, and the EMS building and Courthouse had not been utilized.

Mr. Walker inquired whether the VACo-VML bond pool was looked at when different options were being considered. Mr. Rogers replied that the VACo-VML bond pool did not have a fixed option at the present time.

Mr. Bossio pointed out that not being able to take advantage of bank qualification applied to the current calendar year only. Mr. Rogers agreed and added that if the situation improved between now and the end of the year, there was room for the County to do bank qualification.

Mr. Nixon stated that the payment for the note had been included in the budget, but he wanted to know whether the new interest rates had been factored in. Mr. Rogers assured him that they had been included. Mr. Nixon asked whether the County saved anything with the new rates. Mr. Rogers felt there would be a saving.

Mrs. Hansohn pointed out that the Board had used Davenport's recommendation for a fairly conservative number of approximately 5 or 5.5 percent interest, so there should be some savings. Mr. Rogers agreed there should be some partial year savings.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0. (Resolution is attached as Exhibit #1)

Mr. Chase thanked Mr. Rogers for his presentation.

**PUBLIC HEARING DATE FOR AMENDMENT TO FY10 BUDGET**

Mr. Bossio asked the Board to consider a date for a public hearing to amend the FY 2010 School Operating Budget. He explained that the School System had received approximately \$1.9 million additional Federal dollars, and a public hearing would be required in order to amend the budget.

Mr. Nixon noted that the School System had hired another 14 people under Title IV. Ms. Johnson stated that the new employees were Title IV, plus some other Titles.

Mr. Chase expressed concern that when the stimulus funds went away, the jobs would also go away. Ms. Johnson assured him that all of the new hires had been made aware of that fact and provisions had been added in their contracts.

Mr. Underwood moved, seconded by Mrs. Hansohn, to hold a public hearing during the evening meeting on Wednesday, November 4, for consideration of the \$1.9 million additional money for the School budget.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

**DISCUSSION REGARDING THE SEPTEMBER 29, 2009 JOINT COUNTY/TOWN MEETING ON CREATING A REGIONAL WATER AND SEWER AUTHORITY AND EXPANDING TOWN GEOGRAPHICAL AREA**

Mr. Bossio stated that he wanted to have a discussion with the Board regarding staff followup on the following items raised during the September 29 joint County/Town meeting:

- How the boundary line would affect the County's sales tax revenue.
- How to evaluate the financial impact of the Town and County and the businesses for the initial boundary line adjustment (BLA) and the BLA showing an approved Memorandum of Understanding, currently being worked on by Town and County staff.

- What would a special election cost. (The Registrar estimated between \$8,000 - \$10,000).
- What tax accommodations could be made for businesses that were moved into the Town and whether the taxes could be phased in.
- What would happen to the tax for economic development incentives given by the County, the Town, and the State for new businesses. This is believed to be a function of the agreement, but would be determined prior to next meeting.
- How to address concerns regarding the protection of agricultural land and taking raw agricultural land into the Town, and how to ensure that was done in the most feasible and efficient way that served the agreement and would not lead to overpopulation of that area.
- Could the Town hold a public hearing on the matter to gauge what the temperament of the citizens might be about either a referendum or a charter change.
- Whether to continue to have a charter change on the table for discussion.

Mr. Bossio asked whether any of the Board members had additional points to be added for discussion at the next joint meeting.

Mr. Chase noted these issues were for public information and input, and the Board members would have the opportunity to individually provide comments to Mr. Bossio.

Mrs. Hansohn made the suggestion that if the Town and County could decide on a boundary adjustment that was agreeable to both bodies, the Town be allowed to continue to operate its water and system under an agreement that would go to a three panel judge. She said that would take the authority out of the equation and the Town would still provide the water and sewer for the County areas that needed to be served, while allowing the town to have some boundary adjustments that were reasonable. She asked the County Attorney whether such a legal document could be done and be effective in the courts.

Mr. Thorpe replied that if the question was could the Town's boundaries be changed by agreement without creating a water and sewer authority, the answer was yes. Mrs. Hansohn added that with the condition be made a part of the contractual agreement that the Town would agree to serve these areas. Mr. Thorpe replied that would be within the scope of possibilities if there were a comprehensive agreement that provided for this in lieu of creating a regional authority. He added that such an agreement would need to have the approval of the Commission on Local Government and a three-judge court.

Mrs. Hansohn stated that her suggestion would alleviate the uncertainty of whether a referendum would pass or whether there would be a charter change. She said the Town citizens would not lose their asset, and the County would obtain what was needed for future industrial/commercial users.

Mr. Walker pointed out that the Town citizens and/or the ratepayers would not lose anything in transferring their assets to an authority since it would just be a different management style. He stated that Mrs. Hansohn's suggestion was a good idea as a backup and to have in place should a referendum not pass.

Mr. Chase stated that contrary to a recent newspaper article, the Town would not be turning over its assets to the "County's water and sewer authority". He wanted it made clear that it would not be the County's water and sewer authority, but an independent water and sewer authority that would be appointed by both the Town and County governments and would be a totally independent body not controlled by either body.

Mr. Underwood felt that Mrs. Hansohn's idea was interesting, creative and made sense, but another issue regarding revenue balancing would be coming before the Board which would perhaps help to solve the issue. He would like to see any potential conflict between the Town and the County on planning be anticipated and avoided. He said an example would be if the Town had a different interest than the County for developing and rezoning land for very dense residential construction, and the scenario needed to be avoided where two local governing bodies were competing for cash with different incentives. He said while the Town residents were part of the County, the County taxpayers carried the burden for the School System. He felt that it would be beneficial if triggers could be put in place to prevent conflicts of interest that would harm one set of constituents, but benefit a particular government body. He stated the plan had merit and would approve if an agreement were codified in a court order so that the County would be assured that businesses would get the water and sewer they needed.

Mrs. Hansohn felt that such an agreement would eliminate another year of waiting to go to a referendum and ease any fears regarding an authority. She hoped that the suggestion would be taken to the Town level for discussion.

Mr. Aylor expressed concern that in talking about a boundary adjustment and water served for customers in that area and no authority, businesses coming in may not want to be in the boundary adjustment area. Mrs. Hansohn stated that even with an authority, the service areas would be designated and was something that needed to be agreed upon with any boundary adjustment.

Mr. Aylor asked whether the boundary adjustment areas would be as large as the service area. Mrs. Hansohn replied that was something that would need to be determined even with an authority. Mr. Aylor stated he liked the idea of an

agreement, but was uncomfortable with the service areas that have been designated and the size of a boundary adjustment. Mrs. Hansohn stated those issues would be discussed between the Town and County, and she was trying to figure out a way to solve the issues and help both bodies achieve their goals.

Mr. Walker stated that in considering Mrs. Hansohn's idea, there would continue to be the issue of two bodies in the water and sewer business. Mrs. Hansohn said she did not think there would be two bodies by agreeing what the Town would serve and the County agreed where they were going to serve. She acknowledged that the County had its authority at Clevenger's Corner and may have something at Brandy Station, but the Town/County deal was not going to cover those areas.

Mr. Underwood stated that while he liked Mrs. Hansohn's plan, he also liked the progress that had been made with the current plan and would not want that derailed, but if there were a better, more creative way to achieve the goals, he would be on board, provided there were triggers on the boundary adjustments to avoid conflicts of interest in the revenue balancing.

Mr. Bossio commented that revenue balancing was not discussed, and the way the model currently worked was the Town would look at the business case and determine whether it made sense for it to take that particular adjustment into the Town at the present time. He said it would have to make financial sense and no revenue balancing was discussed at the meeting. He stated he would continue to work in accordance with the discussion among Board members and would incorporate Mrs. Hansohn's suggestion and some other triggering concerns that had been mentioned. He said he would be discussing dates between the Town and County for the next meeting.

### **NEW BUSINESS**

#### **VOTING CREDENTIALS FOR THE ANNUAL VACO BUSINESS MEETING**

Mr. Bossio stated the Board would need to vote on a representative to carry out the business of the County at the upcoming Annual VACo meeting. He pointed out that Mr. Walker would already be attending as a member of the VACo Board and usually carried that nomination. Mr. Walker agreed that he was planning to be present for the meeting and would happy to serve as the Board's representative.

Mr. Aylor moved, seconded by Mr. Underwood, to designate Mr. Walker to represent the Board at the VACo meeting, and Mr. Nixon to serve as an alternate.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

**COMMITTEE REPORTS**

**AD HOC ANIMAL SHELTER ADVISORY COMMITTEE REPORT – September 29, 2009**

Mr. Chase reported that the Ad Hoc Animal Shelter Advisory Committee met, and there were no action items. He noted that the open house planned for November had been postponed until spring.

See Attachment #1 for details of the meeting.

**AIRPORT ADVISORY COMMITTEE REPORT – July 8 and September 9, 2009**

Mr. Bossio reported that there were no actions forwarded from the Airport Committee, but reminded the Board that the Airfest was scheduled for the weekend.

See Attachment #2 for details of the meetings.

**BUILDING AND GROUNDS COMMITTEE**

Mr. Aylor reported that the September meeting had been canceled.

**E-9-1-1 BOARD - September 17, 2009**

Mrs. Hansohn reported there were no action items to bring forward to the full Board.

See Attachment #2A for details of the meeting.

**PERSONNEL COMMITTEE – September 17, 2009**

Mr. Nixon presented the following recommendations for the Board's consideration:

1. Recommend the Board approve establishing a Maintenance Technician I, Grade 2, position in the Environmental Services Department.

Mr. Nixon moved, seconded by Mr. Aylor, the Board approve establishing a Maintenance Technician I, Grade 2, position in the Environmental Services Department.

Mr. Nixon asked Mr. Paul Howard to provide additional information on the recommendation.

Mr. Howard explained that the incumbent in the position of Maintenance Tech Supervisor took advantage of the early retirement offered by the County, and the vacancy would need to be filled. He said the position was downgraded to

Maintenance Tech I, in order to achieve the 45 percent savings the Board required for early retirement, and asked for permission to fill the position at the lower pay rate/level.

Mr. Walker pointed out that the position was really not a new position. Mr. Nixon stated that it was a current position that would be downgraded.

Mr. Underwood asked what the total net savings would be from the retirement and creation of the lower level position. Mr. Howard replied that approximately \$28,000 would be saved.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

2. Recommend the Board approve the Pandemic Flu Plan as amended by the Committee.

Mr. Nixon moved to approve the Pandemic Flu Plan that would provide operating procedures for County department heads and staff to follow in the event the State declared to be a pandemic flu.

Mrs. Hansohn seconded for discussion.

Mr. Nixon asked Tom Williams, Emergency Services Director, to provide further information.

Mr. Williams stated that Mrs. Hansohn had asked several questions at the Committee level, and he would try to address them. He said one of the questions was what made it a "pandemic flu", and there were three criteria that would have to be met in order to be declared a pandemic by the World Health Organization: (1) A new and unusual type of virus that must be worldwide; (2) the new virus must be able to make people sick enough to stay in bed for several days and weaken their bodies so that other diseases, such as pneumonia, could invade; and (3) the new virus must be easily spread among people. The H1N1 virus met all of these criteria.

Mr. Williams said another question asked was when the Governor would declare a state of emergency for the pandemic flu, and the answer was the Governor would declare such a state of emergency at the recommendation of Dr. Karen Remley, State Health Commissioner, when the hospitals became overwhelmed and resources were inadequate to treat patients entering emergency rooms and urgent care clinics. He said he had been working with the Culpeper Regional Hospital, who

was coordinating with other facilities in the community to provide treatment in the event of a pandemic flu outbreak in Culpeper.

Mrs. Hansohn stated that she was concerned about the policy because she had an issue with a lot of governmental influence in people's lives. She did not believe it was necessary to have a policy that would monitor employees' sneezes and coughs.

Mr. Bossio stated that while he agreed with Mrs. Hansohn in one respect, the policy would provide the authority to exercise commonsense for a manager to send an employee home if he/she were ill.

Mr. Nixon stated there were specific criteria an employee had to exhibit before the manager had the ability to send that person home, in addition to the fact that the State had to declare that a pandemic existed and issue an alert before the proposed plan would go into effect.

Mrs. Hansohn stated she understood the process, but she could not support a policy that she did not believe was needed. Mr. Chase agreed that an employee or manager should use commonsense when an employee was ill without a policy.

Mr. Nixon stated that in defense of the plan, the pandemic flu could spread in a rapid manner and many employees could be infected in a short period of time, and the plan was to try to guard against the rapid spread of the virus. He said if employees exhibited any kind of symptoms, the department head should send them home immediately. He agreed that people should use commonsense, but the policy was a tool to use should the Board decide to approve it.

Mr. Bossio pointed out that the policy would take into account how absences were counted, whether they were excused or not, and managers were not left to second-guess from the administrative or HR perspective as to how to make informed choices.

Mr. Underwood said he appreciated the Personnel Committee's planning ahead for the possibility of a pandemic, which was a serious event that had not been dealt with and commonsense may not be depended upon. He pointed out that the policy included the words "If ... a pandemic flu alert is issued in Culpeper County or surrounding localities..." and lists Fauquier, Madison and Orange Counties. He suggested that it state "in Culpeper County" only and remove the ambiguity by not including other counties. He felt the policy was a good policy and expressed appreciation to the Personnel Committee for bringing it forward.

Mr. Walker stated in regard to Mr. Underwood's comment, the policy was attempting to suggest if there were an pandemic in an area adjacent to Culpeper, as opposed to someplace else in the State, it would be considered.

Mr. Nixon pointed out that the entire sentence stated that "If the State of Virginia issues a H1N1 pandemic flu alert in Culpeper County or surrounding localities". Mr. Underwood said he would prefer that the policy state just Culpeper County. Mr. Nixon agreed that the change could be made without sending it back to Committee.

Mr. Walker clarified that the policy was addressing just the H1N1 virus and not any other type of virus. Mr. Williams stated that was correct.

Mr. Nixon asked Mr. Williams if he concurred with the change. Mr. Williams stated that he did concur.

Mr. Nixon amended his motion to state in the first sentence: "If the State of Virginia issues an H1N1 pandemic flu emergency in Culpeper County, the County Administrator shall initiate the Pandemic Flu Plan until the alert becomes inactive."

Mrs. Hansohn seconded the amended motion, but said she would not support it.

Mr. Chase called for voice vote.

Ayes - Chase, Nixon, Rosenberger, Underwood, Walker

Nays - Aylor, Hansohn

Motion carried 5 to 2.

See Attachment #3 for details of the meeting.

#### **PUBLIC SAFETY COMMITTEE REPORT –September 17, 2009**

Mr. Nixon reported the following item was carried over from the last meeting:

1. Recommend the Board approve entering into a ten (10) year lease agreement, with renewal clause, with New Salem Baptist Church for the use of the former Salem Volunteer Fire Department facility. (Note: At its September 1, 2009 meeting, the Board postponed action on this item for further consideration of the lease details and estimated renovation costs.)

Mr. Nixon explained that the Board's concern was the inability to amortize the cost of renovations over a one-year period, and the term of the lease. He said that the County Attorney had drawn up a new lease that was before the Board for approval. He noted that the renovation costs were approximately \$67,000, and including operational costs would bring the total to \$91,000 for the first year. Ongoing costs would be approximately \$20,000 a year.

Mr. Nixon moved, seconded by Mr. Underwood, to approve 10-year lease agreement, with renewal clause, with New Salem Baptist Church for the use of the former Salem Volunteer Fire Department facility.

Mr. Chase stated that he did not see the \$91,000 figure in the lease. Mr. Nixon pointed out that the total costs with the renovations and the first year operating expense for the first year were \$91,000. Mr. Chase said that the \$70,000 figure was in the lease, but not the \$21,000. Mr. Walker pointed out that \$21,000 were the operating costs.

Mr. Nixon stated that the County Attorney used \$70,000 for the renovations costs. Mr. Thorpe agreed that he rounded the actual cost of \$69,375 to the \$70,000 figure.

Mr. Chase felt that \$20,000 a year operational funds seemed high. Mr. Nixon stated that was a decision for the Board to make, but he felt the operating costs would fall below that figure since the building would not be fully utilized. He added that Full Circle Thrift was contemplating a lease to rent the building and that should cover the operational costs.

Mr. Chase asked whether the lease permitted the County to sublease. Mr. Nixon stated that it did.

Mr. Walker asked Mr. Howard whether the operational expenses were based on the previous expenses incurred by the Fire Company. Mr. Howard stated that the estimate was based on the Company's electric and gas bills, and a reduction was made based on a possible sublease. He said that the negotiations with Full Circle to assume operating costs would be brought to the Committee's next meeting and there should be no cost to the County.

Mr. Walker asked whether there would be other space available. Mr. Howard agreed that additional space would be available. He added that since the funds would be taken from the General Fund, a budget amendment was included for the Board's approval.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

See Attachment #4 for details of the meeting.

### **PUBLIC WORKS COMMITTEE REPORT- September 8, 2009**

Mrs. Hansohn stated that the following recommendation was forwarded for the Board's consideration:

1. Recommend, based on the current point of the County and Town water and sewer negotiations, that the Board continue with the current adopted water and sewer service areas with the understanding it can consider the request to include the "Old Boxwood Motel" in the future.

Mrs. Hansohn explained that after a lengthy discussion, the Committee felt it was far-reaching to include the old Boxwood site in the district at this time since the County was not ready to serve the area. She said the Committee determined that the request would be reviewed again in three to five years.

See Attachment #5 for details of the meeting.

### **RULES COMMITTEE REPORT – September 8, 2009**

Mr. Walker reported that there was one recommendation coming out of Rules Committee:

1. Recommend the Board approve the application for assistance under the Partnership for Economic Development and Job Training program for Cedar Mountain Stone Corporation and Chemung Contracting Services.

Mr. Walker moved, seconded by Mr. Nixon, to make an exception and approve the application.

Mr. Walker stated that Carl Sachs, Economic Development Director, was present to answer questions. He acknowledged the presence of Rob Lathan from Cedar Mountain Stone, and a representative from Chemung.

Mr. Sachs explained that the ordinance for the program identified certain businesses that would be eligible to participate in the program, and did not include those businesses believed to have potential environmental concerns. He said that a process was included that when there was a project economically beneficial to the community, the Board could be asked to approve incentives for those businesses, with concurrence from the County Administrator. He stated that Cedar Mountain Stone and Chemung Asphalt had been in business in Culpeper for a number of years and recently went through a major expansion that was environmentally friendly.

The new asphalt plant uses recycled stone, recycled fuel oils, and the pressure plant uses recycled stone. They are converting to rail fleets in order to haul more stone and remove trucks from the highway. He said the request was to make Cedar Mountain Stone and Chemung eligible to receive tax incentives on the investments they have made at their plants.

Mr. Chase stated that both were good companies and had done good work in the County.

Mr. Nixon pointed out that the request was for a one-time exemption to the policy, and the policy would not be changed.

Mr. Underwood agreed that the companies were good stewards and good neighbors in the community, but he disagreed with having a policy where businesses could make an investment and then, after the fact, the Board could determine whether the investment was significant and a tax incentive could be granted. He said while he liked the companies and strongly recognized and supported what they contributed to the community, he did not like the policy.

Mr. Nixon stated that while not trying to defend the policy, in this particular case, it was not a precondition that the companies do the work in order to receive a tax incentive; they decided to do the work to upgrade their companies and later decided to make an application. He said any other company had the same option to do what these companies did and would be considered on a case-by-case basis.

Mr. Walker noted that the request was an exception, and not the rule. Mr. Sachs agreed the request was for Cedar Mountain and Chemung Asphalt solely, and any action taken would not broaden the policy to include other quarries or asphalt plants.

Mr. Underwood stated he appreciated the companies' making the upgrades, but it was not the time to offer a tax break when the County was faced with a very challenging budget, had instituted an early retirement program, and was using stimulus money in the schools. He did not doubt their contributions, but he did not like to make an exception in the current environment.

Mr. Aylor stated that while he agreed somewhat with Mr. Underwood, he felt if these were new companies coming into the community, they would qualify. He noted this was a one-time event, and the exception would not become a policy. He said since the Board had the authority to make an exception and since the companies had made a large investment beneficial to the community, he would support the motion.

Mr. Chase stated that the environment was a very important part of the community, and the movement on the companies' part to save the environment, with no guarantee of anything, was a very good move.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Walker

Nay - Underwood

Motion carried 6 to 1. (See Attachment #5 for details of the meeting.)

### **TOWN AND COUNTY INTERACTION COMMITTEE**

Mr. Underwood reported the Committee did not meet, but would have a busy agenda for next month's meeting.

### **ECONOMIC DEVELOPMENT REPORT**

Mr. Sachs provided the following report:

1. Economic Development Authority. The bond financing issue was scheduled for action at the EDA meeting on October 7, but that issue had been overtaken by subsequent events that Courtney Rogers had explained earlier.

The EDA requested that the Office of the County Attorney serve as legal counsel to the Authority, and Mr. Thorpe agreed that he would be willing to serve as long as they requested. The Authority also asked that the Economic Development Director to act as staff advisor, and Mr. Sachs was willing to do so with the County Administrator's approval.

2. County Express. Ridership was down slightly at 510 riders in August.

3. Small Business Development Center. Report for August was provided for the Board's information.

Mr. Nixon asked for further information on the item on Town Resolution included in the written report. Mr. Sachs explained that since at least one of the County's properties was located in the Town, the *Virginia Code* required the Town to pass a resolution concurring with the bond resolution of the EDA.

Mr. Nixon asked what would happen if the Town did not agree to pass such a resolution. Mr. Bossio replied that a resolution would not be necessary since the County would not be utilizing the EDA.

### **ADMINISTRATOR'S REPORT**

Mr. Bossio reminded the Board that:

1. Election day fell on a regular meeting day, and the Board would meet on Wednesday, November 4, according to the policy; and
2. The 10<sup>th</sup> Annual Airfest would be held on October 10, 10:00 a.m. to 4:00 p.m.

### **CLOSED SESSION**

Mr. Aylor moved that the Board enter into closed session, as permitted under the following *Virginia Code* Sections, for the following reasons:

1. Under *Virginia Code* § 2.2-3711(A)(1), to consider: (A) Appointments to the Planning Commission; (B) an appointment to the Disability Services Board; (C) An appointment to the Culpeper Economic Development Advisory Commission; and (D) appointments to the Agricultural Resource Advisory Committee.
2. Under *Virginia Code* § 2.2-3711(A)(7), for consultation with the County Attorney regarding a specific legal matter requiring the provision of legal advice by such counsel.

Mr. Underwood seconded.

Mr. Chase stated he would not vote for a closed session that included any items other than personnel.

Mr. Chase called for voice vote.

Ayes - Aylor, Nixon, Rosenberger, Underwood, Walker

Nay - Chase, Hansohn

Motion carried 5 to 2.

The Board entered into closed session at 11:30 a.m. and reconvened in open session at 12:10 p.m.

Mr. Chase polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened and were heard, discussed or considered by the Board in the closed session.

Ayes: Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Mr. Aylor moved, seconded by Mr. Nixon, to approve the following appointments:

**Planning Commission**

Walter Burton - 4-year term to begin January 1, 2010 and expire on December 31, 2013; Robert Burnett - 4-year term to begin January 1, 2010 and expire on December 31, 2013; and Laura Rogers - 4-year term to begin January 1, 2010 and expire on December 31, 2013.

**Disability Services Board**

Kimberley A. Toone - 3-year term to begin January 1, 2010 and expire on December 31, 2012.

**Culpeper Economic Development Advisory Commission**

Chris I. Hinson - 3-year term to begin January 1, 2010 and expire on December 31, 2012.

**Agricultural Resource Advisory Committee**

Yvonne M. Williams - 3-year term to begin January 1, 2010 and expire on December 31, 2012; and M. Cecilia Schneider - 3-year term to begin January 1, 2010 and expire on December 31, 2012.

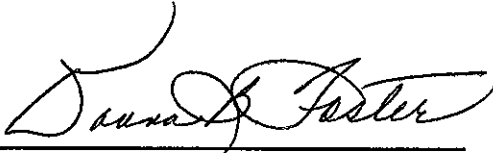
Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

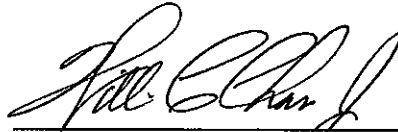
Motion carried 7 to 0.

**ADJOURNMENT**

On motion by Mrs. Hansohn, the meeting was adjourned at 12:14 p.m.

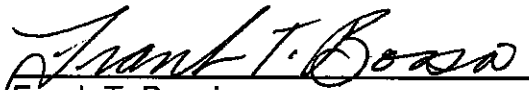


Donna B. Foster, MMC  
Deputy Clerk



William C. Chase, Jr., Chairman

ATTEST:



Frank T. Bossio  
Clerk to the Board

Approved: November 4, 2009

- Indicates Subject with recommendation  
✓ Indicates recommendation forwarded

**AD HOC ANIMAL SHELTER ADVISORY COMMITTEE**  
**Tuesday, September 29, 2009**  
**9:00 a.m.**

Members Present: Bill Chase, Jamie Bennett, Rose McKinney, Samantha Whitesides  
Staff Present: Frank Bossio, Donna Foster, Terry Sargent  
Press Present: None  
Members Absent: Mary Dale

**CALL TO ORDER**

Mr. Chase called the meeting to order at 9:00 a.m.,

**AGENDA APPROVAL**

The agenda was accepted as presented.

**UNFINISHED BUSINESS**

***a. Update re: Spay/Neuter Mobile Clinic Plan – Rose McKinney***

Mrs. McKinney stated the clinic was a resounding success and that Dr. Jacobson was excellent to work with. She noted there had been five clinics held and everything worked wonderfully. She complimented the Animal Shelter Staff for handling the animals so quickly and noted that fifteen spay/neuter surgeries were performed on September 24 and the clinic ended by 2:00 p.m. Mrs. McKinney praised Dr. Jacobson's work and help in diagnosing and treating the animals.

Mrs. Bennett agreed with Mrs. McKinney's suggestion that if Dr. Jacobson was available it would be very beneficial if she could increase the number of clinic visits. This would help with not having to make runs to Harrisonburg for services.

The Committee and Mr. Bossio briefly discussed the need to recognize Dr. Jacobson for rendering such a successful service to the County. Mr. Bossio suggested that he would write her a thank-you letter.

**Media Coverage:** Mr. Chase informed the Committee that Nate Delesline, Reporter with the Star Exponent, had indicated that he could not cover the meeting; however, he would be pleased to have information provided on any items of public interest for articles and/or publication.

Mrs. McKinney will provide the Deputy Clerk a more detailed report on the number of spay/neuter surgeries performed for the record.

***b. Update re: Adoption Program – Rose McKinney***

Mrs. McKinney stated this was another success story. She said all ten adoption cages were

Now located in Manassas Pet Smart and it was working well. She reported as of September 27 there had been a total of 46 cats adopted through that location and she believed the number would increase now that there were 10 cages. Mrs. McKinney noted cats/kittens can be adopted faster at the Shelter because they can be adopted prior to being spay/neutered and returned for the surgery at an appointed time.

Mr. Bossio praised the volunteers for doing such a great job with the various programs. He said it was one of the most successful partnership efforts that he had seen in his twelve years with the County.

Mrs. McKinney agreed it was a partnership and that she loved working with the Shelter personnel.

**Channel 21:** Mrs. McKinney noted that Channel 21 had visited and interviewed staff at the Shelter and this program should be aired in the near future.

General discussion ensued.

**c. Update re: Trap-Neuter-Return (TNR) Program – Samantha Whitesides**

Ms. Whitesides stated it had been a very busy month; however, there was no real Update at this time.

**Minutes:** Ms. Whiteside noted a correction needed to be made to the August 25, 2009 minutes on Page 2, fourth paragraph, first sentence, as follows: Mrs. Bennett noted that the Humane Society FOCAS was fostering ....”

Mr. Chase mentioned the recent news articles pertaining to malnourished horses and asked what, if any, role the Animal Shelter took in this type of complaint.

Mrs. Bennett noted that Animal Control can seize livestock after contacting the State Veterinarian Office and the animals can be held until a court decision has been made. She stated it did not get that far in this particular case, because the owner/care taker started feeding them.

A brief discussion ensued with Mrs. McKinney noting that she had offered to provide ‘foster care’ for the horses. She agreed with Mr. Chase that the estimated cost (\$4,000/mo) as stated in the article seemed very high to care for the horses. Mrs. McKinney stated she had offered to provide the fields and facility; however, the County would have had to pay to feed the horses.

**d. Update re: Open House**

Mrs. McKinney reported that she and Ms. Whitesides originally thought that the open house could be held this Fall; however, with their busy schedules, which included a personal trip to Germany, they did not feel the planning and coordination could be completed before Spring.

The Committee agreed the open house would be postponed until sometime in the Spring.

**Pet Cages:** Mrs. McKinney recalled previous consideration of purchasing additional cages that could be used by foster care providers. This was discussed further with it being estimated that the smaller cages cost around \$300-\$400 and the larger ones were about \$600.

Mr. Bossio asked Mrs. Bennett to get with Mr. Culpeper, Procurement Director, on the design/type that were needed and let him secure bids for this equipment. Mrs. Bennett specified that the cages would remain County property, but the volunteers housing the animals needed the appropriate equipment to use.

**Special Volunteer:** Mrs. Bennett noted that a gentleman had been voluntarily coming to the shelter to walk the dogs and that he was wonderful. He provided this exercise routine on a regular basis and everyone, as well as the dogs, truly appreciated it. She said he was very quiet coming and going and had been doing this for over a year. She wanted to do something to express appreciation to him.

Mr. Bossio stated if she would provide him with his name and address, he could certainly make sure that a letter of appreciation was sent to him.

### **ADJOURNMENT**

The Committee adjourned at 9:30 a.m.

***Culpeper Regional Airport  
Advisory Committee Meeting  
July 8<sup>th</sup>, 2009***

***Location: Airport Conference Room***

**Present:** Mike Dale, Tony Dias, Bill Flathers, Jim Bailey, John Hunton,  
Steve Nixon, Bill Chase and Larry Aylor  
**Absent:** Bob Yeaman  
**Guests/Speakers:** T.R. Proven, John Corradi, and M.T. Brown  
**Staff:** Frank Bossio and Tanya Woodward

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**Call To Order**

- ❖ Mr. Flathers called the meeting to order at 8:00 a.m.

**Approval of the Minutes**

- ❖ *The minutes from the June 10<sup>th</sup>, 2009 meeting were approved as written. Ayes all.*

**Airport Director's Update**

- ❖ Mr. Dale asked about profitability and trends on fuel sales at the June meeting. Mr. Bossio instructed Mrs. Woodward to prepare her reports for the committee. Mr. Bossio stated that a sub-committee of say three people would be sufficient to go over the finances and make recommendations to the full committee. Mr. Dale, Mr. Dias and Mr. Bailey agreed to sit on the Finance Sub-Committee. Mrs. Woodward will prepare the latest reports for the next meeting.
- ❖ Discussion on the biometric gate and how it has continuing issues. Mr. Bossio and met with Whit Turner and Jose Sorzano regarding the biometric access reader for the gate access a few months ago. We are reworking the design of the unit, which has been sent off to New York. They have done a number of tests on the machine and they have no issues with the unit working under the test situations. Nothing has been completed at this time. Some adjustments have been made on the system to ease the inconveniences in the meantime.

**Safety/Security Issues**

- ❖ Mrs. Woodward shared with the committee a study that the VA Department of Aviation has done in preparation of future navaid upgrades for the airports in VA. Our airport in particular can be seen in the attachment. Varied discussion here.
- ❖ Mr. Corradi asked about the airfield having a grass strip runway. Some varied discussion led to Mr. Corradi and Mr. Hunton putting it onto an aerial layout of the airport for the next meeting. Some members of the committee feel that this may be a safety issue especially for tail wheel aircraft.

- ❖ Mr. Corradi asked what happens when the power is out on the field and the airport is closed. Mrs. Woodward replied that she can be contacted in that case should someone need to have the AWOS reset or other navaid that one would need access to the building to get back online otherwise it is done upon opening for the next business day. SOPs are available for the staff should they need them, however, the SOPs don't guarantee that all problems will be rectified immediately.

### **Customer Satisfaction Index**

- ❖ In previous meetings, Mrs. Woodward updated the committee on the latest collections of the customer satisfaction surveys. Totals to date include 91 valid cards received. Of these 91 cards, 52 were based customers and 39 were transient customers.
- ❖ The airport had no further surveys at this time.
- ❖ The committee has asked that the results of the current surveys be displayed and disseminated.
- ❖ The results of the major questions were put into a percentage form and shown on bar graphs. These graphs are shown as an attachment.
- ❖ The graphs will be put in color and displayed in the terminal lobby.
- ❖ The customer surveys will be revamped on an annual basis and new results formulated.

### **AIR FEST 2009: 10/10/09**

- ❖ John Hunton will do the scaled layout map mentioned above.
- ❖ T.R. Proven has sent in the waiver to the FAA.
- ❖ Mrs. Woodward passed around a program that is used as a marketing tool for the Tazewell Airport Air Show to elicit sponsorships. Varied discussion here. Mrs. Woodward will get some dollar amounts to produce the program and we will see if it is feasible to market.
- ❖ Varied discussion ensued regarding ideas for the air fest.

### **Pending Items**

- ❖ The Clearance Delivery issue saw some action on the part of the FAA in April, however, nothing definite.
- ❖ Lighting project was included with the stimulus package requests.
- ❖ Fire Ext. still on hold for the t-hangar complex. The small fire extinguishers have been mounted on the mowing equipment.

### **Open Discussion**

- ❖ Various articles of interest were presented for the general consumption.

**Adjournment**

- ❖ The meeting was adjourned at 8:45 a.m.

Attachments:

- VA Department of Aviation navaid study for CJR.
- Customer Satisfaction Survey Results

Approval:

Chairman: \_\_\_\_\_ Date: \_\_\_\_\_

Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

***Culpeper Regional Airport  
Advisory Committee Meeting  
September 9<sup>th</sup>, 2009***

***Location: Airport Conference Room***

**Present:** Tony Dias, Bill Flathers, Jim Bailey, John Hunton and Bill Chase  
**Absent:** Mike Dale and Bob Yeaman  
**Guests/Speakers:** T.R. Proven, J.J. Quinn and M.T. Brown  
**Staff:** Frank Bossio and Tanya Woodward

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**Call To Order**

- ❖ Mr. Flathers called the meeting to order at 8:00 a.m.

**Approval of the Minutes**

- ❖ *The minutes from the July 8<sup>th</sup>, 2009 meeting were approved as written. (There was no August meeting) Ayes all.*

**Airport Director's Update**

- ❖ Mr. Bossio informed the committee that funding for the design work on the new t-hangars was granted by the VA Dept. of Aviation during it's August meeting.
- ❖ Discussion on the biometric gate and how it has continuing issues. Mr. Bossio and met with Whit Turner and Jose Sorzano regarding the biometric access reader for the gate access several months ago. We are reworking the design of the unit, which has been sent off to New York. They have done a number of tests on the machine and they have no issues with the unit working under the test situations. Nothing has been completed at this time. Some adjustments have been made on the system to ease the inconveniences in the meantime.

**Safety/Security Issues**

- ❖ The PAPI light at the approach end of runway 4 have been turned off due to a report that they were not accurate. They were NOTAMed out of service and we will get them back in service as soon as possible.

**Customer Satisfaction Index**

- ❖ In previous meetings, Mrs. Woodward updated the committee on the latest collections of the customer satisfaction surveys. Totals to date include 91 valid cards received. Of these 91 cards, 52 were based customers and 39 were transient customers.

- ❖ The airport had no further surveys at this time.
- ❖ The committee has asked that the results of the current surveys be displayed and disseminated.
- ❖ The results of the major questions were put into a percentage form and shown on bar graphs. These graphs are shown as an attachment.
- ❖ The graphs will be put in color and displayed in the terminal lobby.
- ❖ The customer surveys will be revamped on an annual basis and new results formulated.

**AIR FEST 2009: 10/10/09**

- ❖ Owen Bullard from the Culpeper County Sheriff's Department joined us for a rundown on parking for the annual air fest. Varied discussion here.
- ❖ Varied discussion ensued regarding the air fest.

**Pending Items**

- ❖ The Clearance Delivery issue saw some action on the part of the FAA in April, however, nothing definite.
- ❖ Lighting project was included with the stimulus package requests.
- ❖ Fire Ext. still on hold for the t-hangar complex. The small fire extinguishers have been mounted on the mowing equipment.

**Open Discussion**

- ❖ Nothing at this time.

**Adjournment**

- ❖ The meeting was adjourned at 9:30 a.m.

Attachments:

None at this Time

Approval:

Chairman: \_\_\_\_\_ Date: \_\_\_\_\_

Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

✓ Indicates Action Taken

***E-9-1-1 Board of Directors' Meeting  
Thursday, September 17, 2009  
7:30 A.M.***

Members Present: Jim Branch, Sue Hansohn, Tom Williams, Frank Bossio, Scott Barlow,  
Doug Monoco  
Staff Present: Steve Basnett, Wayne Green, Warren Jenkins, Nicki Tidey, Kristen Conway,  
Donna Foster  
Members Absent: Anthony Clatterbuck, Jeff Muzzy, 1<sup>st</sup> Sgt. Dean (advisory member)

**Call to Order**

Sheriff Branch called the meeting to order at 7:30 a.m.

**Approval of Agenda**

Mrs. Hansohn moved, Chief Barlow seconded, to approve the agenda. The motion carried with all Ayes.

**\* Approval of Minutes – June 18, 2009**

Mrs. Hansohn moved, Chief Barlow seconded, to approve the minutes. The motion carried with all Ayes.

**Unfinished Business**

**\* a. Consideration of the County-Town Joint Dispatch Center (Operational & Financial) Agreements**

Sheriff Branch opened the floor for discussion.

Mrs. Hansohn noted in her review she did not recognize any major changes. Mr. Basnett agreed there were no major changes; however, staff had been tasked with separating the agreement into two separate documents: operational and financial. He noted that Mr. Bossio and Mr. Muzzy would have to finalize the financials.

Mr. Bossio requested that language be added to Section III - Fiscal and Administrative Agent: Cost Sharing to clarify that the financial portion had been separated and is incorporated into the operations document by reference. Mr. Basnett agreed this would be done.

Mrs. Hansohn questioned if the County Attorney had reviewed the documents. Mr. Bossio noted he had not provided Mr. Thorpe with the last drafts. He suggested since the documents needed legal review and only one town representative was present that action be postponed until the next meeting. Chief Barlow agreed and noted the current agreement was still in effect and the departments could continue to operate under that.

Sheriff Branch noted the drafts would be forwarded to the County Attorney and this would be an item for consideration at the next meeting.

\* **b. Quarterly Report – Steve Basnett**

Mr. Basnett reviewed the quarterly report with the Board noting that service calls were increasing and were expected to be close to 90,000 calls for the year. This would equate to approximately 15% increase over last year. Mr. Basnett noted the Sheriff and Chief could attest to the fact that the center was getting busier by the day. He stated all systems were working properly; there was a Verizon Wireless 9-1-1 phone problem over the July 4th weekend and they were doing an upgrade to help prevent a this from occurring again; three people were in training ; working on filling one vacancy.

Mr. Basnett discussed the graphs depicting the calls for service by the day of the week. Mrs. Hansohn noted she was surprised that Monday was a heavy day. Mr. Basnett responded that in the past Friday, Saturday and Sunday were the real busy days, but now it is steady throughout the week.

Sheriff Branch noted the calls for service and with the current staffing level it was difficult to put more people on. Mr. Basnett noted it was like running an engine at 125-150%. He stated it only takes one significant incident to over task the personnel (i.e. recent home invasion/abduction). He noted in this type of situation he had to call in extra staffing and this was becoming the norm rather than the exception. Mr. Basnett explained that he had developed plans for calling in the extra staffing; therefore, the overtime budget was going up and would soon be exhausted.

Sheriff Branch noted that the process of calling in people posed a lag-time situation. Mr. Basnett noted he was fortunate to have several people that live close, but it is not fair to call them in on every event. He said he had presented to the Board each year that his ultimate goal for staffing was to have six people per shift with a minimum staffing of four. He noted he was not sure that would adequate. He noted Culpeper was not unique in that regard; because it was a nation-wide problem in all the dispatch centers.

Mr. Bossio informed the Board that the individuals were rotated by shifts. Mr. Basnett explained that several years prior the staff had proposed going to permanent shifts, because rotating shifts had a negative affect on one's body and rest habits. Therefore, based on the rationale and information furnished, the permanent shifts were established. He noted he was now working on a plan to rotate at some frequency.

Mr. Williams noted that approximately a month prior he had an unexpected opportunity to speak with the E-9-1-1 Center and he was extremely impressed with the way the situation was handled by the Dispatcher.

Mr. Bossio humorously questioned if the Center had charged Mr. Williams for its services. Mr. Basnett stated no, but in all seriousness there may be a proposal in the future to implement charges especially if it turns out to be a non-emergency type call.

**New Business**

**a. Life saving award – Kristen Conway**

Nicki Tidey expressed her pleasure in presenting the second life-saving award since the program had been implemented in January 2009. She noted that on July 26, 2009, Ms. Conway provided CPR pre-arrival instructions for a person who went into sudden cardiac arrest. EMS arrived and continued in the CPR resulting in the person regaining a pulse. Ms. Tidey noted based on Ms. Conway's actions in handling the call she was being presented with the award.

Mrs. Hansohn suggested that in the future this type of presentation should be brought to the Board of Supervisors' meeting.

Sheriff Branch congratulated and thanked Ms. Conway on behalf of the Board.

Mrs. Hansohn noted a new face sitting on the Board. Mr. Doug Monaco, Vice President of the Culpeper Fire and Rescue Association, noted he was attending due to the absence of Mr. Clatterbuck.

**Other Business** - None

**Adjournment**

The meeting was adjourned at 7:45 a.m.

- ➔ Indicates subject with recommendation  
✓ Indicates recommendation forwarded

**PERSONNEL COMMITTEE MEETING**  
**September 17, 2009**  
**10:30 a.m.**

Members Present: Steve Nixon, Sue Hansohn, Steve Walker  
Staff Present: Frank Bossio, Roy Thorpe, Chasity Croson, Valerie Lamb, Tom Williams,  
Paul Howard, Sheriff Branch, Russell Lane, Denise Whetzel, Donna  
Foster  
Press Present: None  
Others Present: None  
Members Absent: Brad Rosenberger

**CALL TO ORDER**

Chairman Nixon called the meeting order at 10:30 a.m.

**APPROVAL OF AGENDA**

Mr. Bossio requested the addition of Item 8 - Discussion re: Colonel Culpeper Award

Mrs. Hansohn moved, Mr. Walker seconded, approval of the agenda as amended.

The motion carried with all Ayes.

**NEW BUSINESS**

**1. Update on the Culpeper County Voluntary Early Retirement Program**

Ms. Croson stated the Committee had requested an update be provided periodically on the Early Retirement Program. She stated currently there were two confirmed participants and two other individuals were submitting applications. Ms. Croson stated the two confirmed participants would save the County \$51,000 if the positions were not filled. If the positions are filled, and only the 45% was achieved over a two-year period, it would save about \$48,000. She said she was not certain how much more savings would be achieved if the two other applicants were finalized. However, one of them should be approved quickly, but she was not certain whether or not the position would be filled. She said she was not certain how the one that may retire from the Sheriff's Department would be handled.

The Committee and Ms. Croson briefly discussed the low participation. Mr. Nixon asked if Ms. Croson thought the program needed to be modified to encourage participation. Ms. Croson stated personally she thought the 45% savings may be a little high when considering some of the vacation and early retirement payouts. She said if it was lowered the County would receive less savings.

Mrs. Hansohn questioned if looking at the savings over a five-year period would help. Ms. Croson stated this would definitely change the numbers, but without specific numbers she could not tell the Committee how much it would change. Mrs. Hansohn stated if the people are near retirement the full payout would still be paid at that time and more hours of vacation would have been accrued. Discussion ensued with Mrs. Hansohn expressing doubt that the program was truly working.

Mr. Nixon said with a \$48,000 savings the County was still ahead even though there had only been two applications. Ms. Croson noted there were not a lot of inquiries and some of the people had not reach retirement age.

Responding to questions, Ms. Croson stated that Albemarle County had an early retirement system and it was much richer than the County's i.e. health insurance premiums are paid over a five-year period.

Mr. Walker interjected that the Board wanted to achieve a cost savings not to just encourage people to retire early. He stated extending it out over a five-year period may make a big difference. He believed it was still a work in progress.

Mr. Bossio figured about one third of the dollars that had been anticipated had been achieved and if two more retired it may bring it up to about one-half of the anticipated savings. He supported making changes if it would encourage people to participate this year.

Mr. Nixon's perspective was that the County was trying to reduce the work force by giving people an incentive to retire. He believed the plan was good and did not harm the individuals. He believed the economy was a deterrent to people wanting to take the risk. He personally thought the program should be allowed to run through December and see what it would look like at that time.

Mrs. Hansohn added that it was envisioned that this would help with not having to make decisions on furloughs or layoffs. She said some hard decisions were still going to have to be made. Mr. Nixon agreed and noted it was also to provide the individuals with a 'little nest egg' to start retirement with.

Ms. Croson stated that Albemarle County had a five-year payout period for the health insurance premium and retirement up to the age of 65.

Mr. Walker recommended that if any ideas come forth before the end of December then they should be considered. He suggested that Ms. Croson could correspond with HR Directors in other areas to see if there was additional information to gain. He said the program could not be structured in such a way that it did not save the County money.

Mr. Nixon agreed. Ms. Croson was asked to run computations on extending the program for up to five years.

Mrs. Hansohn stated that as the budget work was started Mr. Bossio and Mrs. Lamb would have to make some hard decisions.

Mr. Bossio agreed if new ideas or information surfaced it would be brought to Mr. Nixon's attention and the Committee could certainly meet to discuss it.

## **2. Approval of Reduction in Force Policy of the Personnel Management Plan**

Ms. Croson noted she had created a process map to help clarify how the process would work. She noted the RIF Policy offered a voluntary and involuntary reduction in force. She reviewed the policy with the Committee and provided illustrations on estimated payouts. She stated individuals that may be affected by RIF could request to be transferred to another department's vacant position. The individual would have to be qualified to serve in that capacity and would have to go through the hiring process

Ms. Croson noted the Committee at its last meeting had discussed the severance package briefly. She noted there are three parts to the voluntary and involuntary severance packages. Ms. Croson stressed the main purpose of the severance package was to entice people to leave; therefore, the voluntary severance was richer than the involuntary. She explained what was included. She distributed and discussed the sample severance package calculations that she had developed.

Mr. Nixon questioned the estimated \$7,800 amount that would be received by an employee who had only worked 9 months for the County. He believed it was high. Ms. Croson continued her review and noted she had looked at other localities and some do not specify the amount of severance pay and allow the governing body to determine this at the time of the RIF.

Ms. Croson asked Mr. Thorpe if he knew what Falls Church paid in severance. Mr. Thorpe thought it was only the normal two week pay period amount plus any leave they would be due if it was an involuntary loss of job. If it was a negotiated, voluntary resignation the amounts changed depending upon the circumstances.

Mr. Nixon stated if the County was performing a RIF it is because it cannot afford to keep them and in this case the County would be paying them to leave. He thought this might be counterproductive by giving them money to leave. Ms. Croson stated the County would be giving them money to survive. Mr. Nixon stated he was not against giving the money, because he had been in a situation of being part of a RIF. He believed they needed to be careful how it was done, because it could add more costs than what was being saved.

Mr. Bossio believed the problem that was being faced was that good employees may have to be gotten rid of simply because the County could not afford to keep them. He stated the question was whether or not there should be severance and should it be different if it is for voluntary versus involuntary RIF. He believed if people did not participate in the voluntary retirement program it would be necessary to implement the RIF program.

Mr. Nixon believed the severance was high. Ms. Croson stated she had reviewed the State of Virginia program and compared how the same employee who had worked for 10 years and was being paid \$30,000 would receive a severance of \$5,000/County, \$12,500/State, and \$6,250/Federal. The Federal Government also gives a percentage for individuals over the age of 40 and service over 10 years. Mr. Walker mentioned that the Federal Government was also trillions of dollars in debt.

Mrs. Hansohn pointed out that all of this would have to be considered for the budget. Mr. Bossio explained how the money would have to be budgeted in one year's budget and then the next budget the person would not be employed and the position possibly eliminated and that would make a budget difference.

Mr. Walker asked why the involuntary severance was so rich. Mr. Bossio explained that involuntary severance is different than being fired. He said even if a person is fired usually he gets some severance. Mr. Thorpe could not recall many instances of having to reduce the work force in Falls Church, but when it was done usually some type of 'buy-out' was used.

Mr. Walker commented there was very little difference between the proposed involuntary and voluntary severance package. Ms. Croson stated she tried to take into consideration that people would be involuntarily let go by the County and she did not want them to not be able to survive.

Mr. Nixon pointed out that if a person voluntarily leaves their job they are disqualified from unemployment benefits for at least a certain period of time. If involuntarily let go, a person could start drawing benefits within a matter of weeks. Ms. Croson clarified in the case of voluntary severance, if the person received unemployment benefits the severance would not be paid. She said the County receives notification when individuals are drawing against the County unemployment benefits.

Committee and Staff further discussed the various issues of making sure there is money available. Mr. Bossio explained that the County had approximately \$100,000 to make up in this year's budget and if this is not achieved, the RIF program would have to be implemented in December or January. Mrs. Lamb cautioned that the budget is adopted by the end of April so Staff would have to know what was going to be included for filling and/or cutting positions.

Mr. Nixon stated if the program is put into the Personnel Plan then it becomes almost a 'right' to the employee. Ms. Croson asked if language could be included to allow the County Administrator the right to amend the severance package based on available funding. Mr. Nixon stated they had to be careful what was put in writing.

Mr. Bossio believed the policy could contain a caveat that it would be done with funding available and no extra money was going to be budgeted. Therefore, it would have to be done in this Fiscal Year with a result in savings to the County.

Mr. Thorpe agreed that it could be based on the money being available. If the appropriations are not there, the program could not be administered. He suggested if the employee had the choice of picking a voluntary severance then there should be a specified period of time that it is available to make sure there is funding to handle the payout. He elaborated further on how local governments are supposed to have balanced budgets with appropriations for expenditures. Mr. Nixon stated his point was that the government can either raise taxes or cut expenditures to balance its budget; therefore, it should be clearly stated where the money is appropriated. Mr. Walker suggested it could state that it is current appropriation for the particular position. This way the individual would have to make a decision early, to ensure there was money available.

Mrs. Hansohn requested an explanation on what the process would be. Ms. Croson provided illustrations of how the decisions would be based on certain factors. Mrs. Hansohn noted the County Administrator would have to be the one that recommended to the Board since the Board did not deal directly with the department to know exactly what the staffing and other needs were.

Mr. Bossio agreed and noted it was his responsibility and that this would be an added tool to work within the budget the Board had approved.

Discussion ensued with Mr. Bossio clarifying that he needed the RIF program in place by January and that the VERP had been extended through December. Mrs. Hansohn noted that the State has indicated cuts in their appropriations to the constitutional officers and this needed to be considered.

Mr. Bossio clarified that for next year's budget he would have to inform the Board what shortfalls would have to be made up. However, at this point, his concern with this year's budget and having another mechanism if the early retirement program does not work. He emphasized that next year all the budgets would be considered i.e. schools, DSS, etc.

Mrs. Hansohn pointed out the retirement program would only reach the older employees

with years of service. The RIF would affect a wide range of individuals and it had to be attractive. Mr. Walker interjected that the voluntary RIF would have to be attractive but not the involuntary. Mr. Bossio disagreed by stating that the people would not be losing their jobs through involuntary RIF because they had done something bad or had performed poorly, but because the County cannot afford to retain them. He believed they should be given something for their service to the County.

Ms. Croson stated the Board had stated for this budget period there would be no involuntary separations. Mr. Bossio stated that was still the Board's position until it approves the RIF policy. The Committee further discussed this with Mr. Bossio noting that he needed the Board to reverse its decision on no involuntary separations.

Discussion returned to the proposed RIF policy and if the involuntary portion was needed at this time. Mr. Bossio provided illustrations on why just having voluntary separation provisions available would not work. The Committee was still concerned with the involuntary severance being so rich that it would discourage people from considering the voluntary severance.

Ms. Croson asked if the Committee wanted to see the tier based on years of service with a lower payment amount. The Committee agreed with that approach.

Mr. Thorpe asked Mr. Bossio if this proposal would be the tool he needed to address the budget issues. Mr. Bossio stated the voluntary severance was a good thing, but he was not confident that it would achieve the necessary result; therefore, he needed the ability to involuntarily reduce the workforce if needed. Mr. Thorpe asked if Mr. Bossio felt the proposed policy would allow him to target certain areas more than others. Mr. Bossio stated yes, as long as the choice is at the departmental level it should work.

In response to questions, Ms. Croson discussed the information contained on Page 7 relative to the severance calculations. She clarified that the policy states that the severance will be based on length of service and salary. Further discussion ensued on the difference in the voluntary and involuntary severance packages. Mr. Bossio provided an example of how an individual in the Sheriff's department could decide to leave, receive the severance, and then take a deputy position with a neighboring locality.

Mrs. Hansohn stated her understanding was that the department heads would make the call on who it would be offered to. Mr. Bossio stated this was true for the voluntary RIF. Ms. Croson stated the people affected by the involuntary RIF would be based on their performance.

Mr. Thorpe pointed out that the constitutional officers are not under the control of the County Administrator and the RIF program would not necessarily apply to them. Discussion ensued with Mr. Thorpe providing his thoughts on how to achieve legal and prudent administration. During further discussion, Mr. Thorpe stated there would be issues to sort out and decisions would have to be made on sound, nondiscriminatory employment practices.

Mr. Bossio stated there would probably be an issue with the constitutional officers who, in this fiscal year, are going to end up with less money from the State and they may be counting on it for salary purposes. He did not believe it would be right for people in other departments to lose their jobs to make up the shortfall in the constitutional officer's department. He believed the constitutional officers needed the right to implement the RIF policy.

Mr. Walker asked if the State is reducing its money could the County then make a budget amendment. Mr. Nixon stated most of the constitutional officers have agreed to abide

by the County's personnel policies and if it were included in the policy manual it would be available to them. Mr. Bossio was not certain they had agreed by no contract had been signed.

Mrs. Hansohn suggested if they did not accept the County's policy they could develop their own. Mr. Nixon stated that their budget would have to be reduced some how and it would be up to them.

The Committee further discussed the involuntary severance payment and agreed that items 3 and 4 on Page 7 and 8 would not be included.

The voluntary severance was discussed. Mr. Nixon stated he believed it was rich. Mrs. Hansohn stated it was not rich if you had bills to pay. Mr. Nixon stated he knew first hand what it was like to be included in a RIF, but \$7,800 for nine months was a lot. Mrs. Hansohn disagreed.

Mr. Walker noted it was the health insurance that drove the figure to \$7,800 and agreed it was a little rich. Ms. Croson noted that she had just used a basic number.

The Committee discussed methods of reducing the affect the health insurance had on the payout.

Mr. Nixon suggested everything be based on length of service i.e. if the person had 9 months of service he would receive 9 months percentage of salary and health insurance. Mr. Thorpe stated it was a good formula. Mr. Nixon added that everyone would be treated basically the same and if they had been a really exceptional employee that the County hated to lose, the BIA could be added, that could be the option part. This way there would be an equal part and a subjective part. Mr. Nixon asked if Ms. Croson understood the Committee's recommendation.

Mrs. Croson stated the Committee wanted to see a tiered plan for the health insurance based on length of service and the extra option would be based on performance.

Mr. Bossio stated that Staff would bring the amended document back to the Committee for approval prior to submitting it to the Board.

Mr. Walker noted that two constitutional officers had been present in the audience at this meeting and asked if they should be allowed to speak to the issue. Mr. Nixon stated that once Ms. Croson had been allowed to make the amendments and submit them to the Committee, the constitutional officers could also review the policy and make comments. He requested they be invited to next month's meeting.

### **3. Discussion of Future Hiring Practices**

Ms. Croson referenced Page 9 of the packet and noted staff was looking for guidance on hiring practices. She stated since there is no freeze on hiring, the policy allows external and internal hiring. She questioned if the County should initiate an internal hiring requirement and if so should it be organizational wide or just target those departments that may be affected by the RIF.

Mr. Walker asked if she was suggesting an external hiring freeze with an internal hiring emphasis. Ms. Croson stated a person should only be moved into a vacancy based on whether or not he/she would be a good fit. If not, that department could revert to external recruiting. Mr. Bossio provided example of how this could work to the advantage of the employee and County.

Discussion ensued. Mr. Walker suggested the Board might need to look at implementing the hiring freeze again. Mrs. Hansohn stated this would not be good for departments like E-9-1-1 that have to hire to fill vacancies. Mr. Bossio stated in most all of the public safety positions the County was down to the core people and making these departments wait a month or come back to the Board for approval was not a good idea.

Mr. Nixon believed hiring internally made good sense. If the internal individuals were not qualified then external hiring may be necessary. Mrs. Hansohn commented that individuals should not be moved into positions that would end up being included in the RIF.

The Committee supported the internal hiring requirement.

Mr. Nixon clarified that just because an employee is granted a lateral transfer it did not mean they would keep the same pay.

#### **4. Approval of New Position Maintenance Technical 1, Grade 2**

Mrs. Croson explained that the position job description was currently a Grade 6 and the Individual was retiring and Mr. Howard would like to fill the position at a Grade 2 level.

Mr. Howard stated if the position is filled at the Grade 2 level the 45% savings would still be achieved and the position needed to be filled based on the current workload in the department.

In response to a question from Mr. Nixon, Mr. Howard explained that the Grade 6 position would still exist, but the Maintenance Technician 1 position would be filled as Grade 2.

Mrs. Hansohn moved, Mr. Walker seconded, to recommend to the Board approval of the position. The motion carried with all Ayes.

#### **5. Update on Upgraded HVAC Position**

Mr. Howard explained that the Board had approved upgrading a Maintenance Technician position that was vacated last year to a Senior HVAC Mechanic position, which cost an additional \$3,400 in salary. He filled the position with a qualified HVAC Mechanic (Rebecca Mirenzi) with electrical experience. The Personnel Committee requested that he provide an update at the end of the fiscal year to see if we saved any money.

He provided a table showing the comparison of FY08 and FY09 expenditures on contractual services for electrical, heating and plumbing expenses for General Property (all County buildings) and the Carver center (Piedmont). He noted the water/sewer staff had helped a great deal with the plumbing expenses, but HVAC Mechanic had helped a lot in all the other areas. He stated there had been an increase in the salary of \$3,400 from the previous position, but the County still netted \$28,815 in savings.

Mr. Howard believed paying a little extra for a qualified person had saved the department a lot. He noted Ms. Mirenzi started August 1, 2008, so the County lost the benefit of her position for a month, but the numbers should be closely accurate.

Mr. Nixon inquired why some of the work had to be completed by outside contractors. Mr. Howard stated that some of the jobs were just more than one person could handle. Mr. Nixon asked if another temporary individual could be hired versus having to outsource the work.

Mr. Howard stated this could certainly be considered and noted he did pull people from the water and sewer department to assist when possible. He stated the department was working diligently to keep the numbers down.

## **6. Discussion of Proposed Health Insurance Changes**

Ms. Croson reported that there were two suggestion received. The first was to provide all the employees a health insurance allowance to go toward the purchase of their own health insurance or participation in their spouse's insurance. The second suggestion was that instead of the County deciding how much the County contributes to the medical and dental, provide the employees a lump sum and allow them to decide what they want the money to go toward.

She noted there were other suggestions that were being considered, but right now the County was in the process of hiring a consultant and would like to allow time to get that person on board and pose the suggestions to him/her for consideration and recommendation.

Mr. Nixon stated that the consultant would look at the entire insurance program. Ms. Croson agreed. Mr. Bossio asked if the Committee likes the suggestions and if staff could move forward with them.

Mr. Nixon stated sure, because all possibilities should be explored. Ms. Croson noted the consultant should be on board and working effective November 1.

## **7. Discussion of Flu Season Preparedness**

Ms. Croson distributed a copy of the proposed Pandemic Flu Plan and reviewed this with the Committee.

The Committee discussed the fact that BOS Days would be taken first as required by the program.

Ms. Croson noted the plan provided the County Administrator the ability to amend the plan as recommended by the Center of Disease Control (CDC).

Mrs. Hansohn asked if it would be a mandated plan. Mr. Bossio stated yes it would be. Mrs. Hansohn expressed concern and asked what allowed the County to mandate it. Mr. Bossio noted this was a question being debated, but the real question was if H1N1 can be spread and it is at the pandemic stage this may save peoples lives or prevent severe sickness.

Mr. Williams stated, particularly for the office of Emergency Services, the citizens have a high expectation that if personnel was responding to them, the staff would not end up contaminating them. He noted one of the reasons staff was requesting the approval of the plan was to maintain the continuity of government in the event there is a pandemic. He explained that the alert would be issued by the Health Department if there was a serious issue in Culpeper.

Mrs. Hansohn asked what would constitute a pandemic level. Mr. Williams explained that the Commissioner of Health of Virginia was the lead agent on this. He discussed how a warning could be issued and by following the State guidelines and putting a plan into affect, it would help mitigate the situation. He noted the plan would be a tool to address the various situations that could occur.

Mr. Walker noted that he believed Mrs. Hansohn's concern was to be certain that declaring a pandemic was based on some type formula and that the County was not just arbitrarily taking the any rights away for the employees. Mr. Bossio emphasized that if someone at the State level issued the alert it was because they had the authority to do so.

Mrs. Hansohn stated she believed before voting on the plan the Committee should know what criteria are used. Mrs. Croson reviewed the symptoms included: fever or chills and cough or sore throat. Mrs. Hansohn stated that could be caused by allergies and further discussed her concerns of requiring someone to take leave.

Mr. Bossio explained that it was risk avoidance and it was not intended to violate anyone's rights. Ms. Croson pointed out that the policy states every effort would be made to allow the individual to work at home. Mr. Walker noted there was nothing in the policy to address if the individual went to the doctor and it was determined they were okay then they could return to work. Mr. Bossio stated with a doctor's release they could.

Mrs. Hansohn stated she had heard that swine flu was not worse than other types unless there were other underlining illnesses. Mr. Williams stated his understanding the symptoms for H1N1 could be mild, currently the Center on Disease Control and World Health Organization is anticipating that this fall the H1N1 will be a severe illness and come upon one very quickly. Someone who has a healthy immune system most likely will have very little problems. Others with compromised immune systems or other complications could become very ill or even result in death. The most susceptible age is 6 months to 24 years of age.

Discussion ensued with the suspected H1N1 cases in the schools. Mr. Williams noted that this would provide a tool for use when it might be needed.

Mr. Nixon believed the plan should include that if the State issues a pandemic alert then the plan goes into effect and if someone goes to the doctor and receives a doctor's release, that person can return to work.

Based on several questions being raised, Mr. Bossio clarified that if the State issued an alert for another area that did not include Culpeper then the plan would not be put into effect.

Mrs. Hansohn reiterated her concerns with having a policy when it should be a matter of commonsense. She stated a fever and chills could be associated with other things and she did not support the adoption of the plan.

Mr. Walker moved to recommend to the Board approval of the pandemic plan with the changes made, plus additional information as to what is the criteria that actually establishes the State authority to become a pandemic and also add in some information about whether or not it is a regional issue. Mr. Nixon said they'll do that; the State does that - Mr. Bossio stated but if they don't we just wouldn't implement that's all. Mr. Walker - right I understand that - but we need to make that clear for the full Board though.

Mr. Nixon seconded the motion.

Mrs. Hansohn expressed her objection to trying to legislate something that should be commonsense.

The motion carried 2 to 1 with Mr. Nixon and Mr. Walker voting Aye and Mrs. Hansohn voting Nay.

## **8. Culpeper Colonel Award**

Mr. Godfrey stated he had been asked by Mr. Chase to discuss the Colonel Culpeper Award, because he had someone that he wanted to nominate. Mr. Bossio asked how the Committee would like for this to be handled. He said typically it is done in January.

Mr. Nixon stated he would like to know if there was a Culpeper Colonel Award Policy. If not, he would like to see one developed. Mr. Bossio said that the policy was that the Board members would bring in their candidate and the awards were made in January.

Mrs. Hansohn disagreed and explained that it was actually suppose to be the constituents recommending someone. She said that the Board Members were not supposed to go out and select people it was suppose to come from the public.

The Committee members asked if there was a big urgency on it or if it could be done in January. Mr. Bossio noted the candidate suggested by Mr. Chase and some of the things he had done for Culpeper.

Mrs. Hansohn thought it should be continued to be done on the regular schedule. Mr. Walker noted that it was done every year and then the Board dropped back to doing it every other year and it had not been done in 2008.

Mr. Nixon commented that the Board should continue to do it the same way. He noted that no one was brought forward last year; therefore, awards were not presented. If someone has a person they would like to recommend they can and the presentations can be made in January as usual.

Mr. Walker said that it should be publicized that recommendations can be made.

Mr. Nixon suggested that the Staff research to see what the current policy is and then follow it. Mr. Bossio stated this would be done.

Mr. Nixon stated there was no objection to Mr. Chase recommending a person for presentation of the award in January.

## **Closed Session**

Mrs. Hansohn moved, Mr. Walker seconded, to enter closed session, as permitted under the following Virginia Code Section, and for the following reason:

1. Under Virginia Code Section 2.2-3711(A)(1) to discuss with Staff the approval of BIA awards for specific individual County employees.

The motion carried with all Ayes.

The Committee entered closed session at 12:09 p.m. and reconvened in open session at 12:23 p.m.

Mr. Nixon polled the members of the Committee regarding the closed session held. He asked the individual members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were

identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the members in the closed session.

The certification carried with all Ayes.

**Adjournment**

The meeting adjourned at 12:24 p.m.

- Indicates subject with recommendation  
✓ Indicates recommendation forwarded

***PUBLIC SAFETY COMMITTEE  
Thursday, September 17, 2009  
8:30 A.M.***

Members Present: Steve Nixon, Bill Chase, Steve Walker (Alternate), Sheriff Jim Branch, Doug Monaco (Alternate), Tom Williams  
Staff Present: Frank Bossio, Roy Thorpe, Alan Culpeper, Wayne Green, Paul Howard, Barry Atchison  
Press Present: None

**Call to Order**

Steve Nixon, Chairman, called the meeting to order at 8:31 a.m.

**Approval of Agenda**

There were no additions, deletions or changes to the agenda.

**Unfinished Business**

**EMS Monthly Report - Tom Williams, Director**

Mr. Williams presented the EMS Monthly Report, a copy of which was included in Committee Member's packet. Mr. Williams stated this was the first official report he had made before the Public Safety Committee and he welcomed comments and suggestions that the Committee would find helpful for the EMS response around the county.

Mr. Chase asked if the number of units that responded per call could be added to future reports.

Mr. Bossio added for clarification the written report reflected career staff only.

Mr. Walker stated that in addition to Mr. Chase's request, could both Career and Volunteer calls could be added to the report.

Mr. Nixon asked if the report reflected the total number of calls or just the ones his department responded to. Mr. Williams replied it reflect calls the career staff responded to. Mr. Nixon then asked how Mr. Williams came up with a 59.67% because they had responded to 100% of the calls that they were asked to respond to, these are all your calls and you responded to them all then you should have 100%. Mr. Bossio responded that the percentage reflects the percentage of the total for the Service area indicated.

Mr. Monaco asked if the number of calls reflected in the report was the number actually dispatched. Mr. Williams replied the number reflected the calls his department had an EMS run sheet for not necessarily transported for but placed in service for.

Mr. Bossio added he thought that was the data the Committee needed, calls that every unit was dispatched on and how many transports they made for both career and volunteer staffs.

He would like to know how many times when a unit is called to the scene and how many transports they complete. Mr. Nixon added for clarification just because a unit is dispatched to a call, doesn't mean they actually do anything when they arrive. So what the report should reflect is what are relevant calls for transport and which are calls for dispatch only. Mr. Bossio agreed saying that would show him how much is collected for transport.

Mr. Williams thought it was important to bring to the Committee's attention that in the Governor's plan to balance the budget for the Commonwealth an enormous amount of funding has been reduced from Public Safety. In the 2011 plan the aid that goes back to localities from the Department of Fire programs, which for Culpeper is approximately \$70,000, will be eliminated.

Mr. Williams reported his office has been working with the Health Department in discussions and making plans for the County's response to the H1N1 virus. He also informed the Committee that, at the request of the Salem Fire Department, he and Captain Jenkins are currently in conversation with Salem and the Fire and Rescue Association to discuss the Career Staff assisting Salem by staffing a unit there for 24 hours a day. He emphasized that these were simply topics of discussion he wanted the Committee to be aware of.

Mr. Nixon asked for clarification on putting career staff at Salem. Mr. Williams explained that this year to date the career staff had responded to 628 fewer calls than this time last year, because Culpeper Rescue Squad has been doing a superb job in response and getting out. As a result during a 24 hour period there are three staffed units in the Town of Culpeper, as long as the Culpeper Rescue Squad continues to do the job they are doing, Mr. Williams felt he could take some of the resources and spread them throughout the County to assist departments that are having trouble with response. Mr. Williams emphasized that this was at the request of the Salem Department so his office working with the Fire and Rescue Association are looking into what support they can provide.

Mr. Nixon asked what would be done if other departments asked for help. Mr. Williams replied that the career staff can only spread themselves so thin and that has been discussed with Salem. If something happened in the Town for example he would have to pull his staff back in response. He recognized that in the future if other departments asked for similar support it could create a budgetary problem for his department.

Mr. Chase commented that having a unit at Salem presupposes that the majority of the calls will be to the Town. He asked if Richardsville or Little Fork requested assistance wouldn't Mr. Williams units be better off centrally located. Mr. Williams agreed with Mr. Chase and stated that the plans with Salem are all contingent upon the Culpeper Rescue Squad continuing to do such a good job at responding. If they were not able to continue to do that he would have to keep all of his resources in the Town.

Mr. Bossio commented that the same support had been provided to Company 11. When it was down, Mr. Williams department covered all of the calls in town. Mr. Bossio affirmed that helping Salem was certainly a good thing but what Mr. Chase and Mr. Nixon were getting at was how that affects his capability to react to a call in Reva or Richardsville, if his unit is deployed to Salem.

Mr. Nixon remarked that in the budgetary situation the County is in, if Mr. William's department is over staffed the Committee may have to look at staff reductions as well, although

he did not advocate staff reductions. He referred to Mr. Williams report that the state will be reducing funding to the County by \$70,000 in FY11 and the County's continuing budget issues and remarked if Mr. Williams was reallocating assets to help out another department that's one thing but he felt the Committee needed to look at all aspects of it. Mr. Williams stated he understood and that is why his office had been working with both Salem and the Fire and Rescue Association, so together they could come up with a plan that is suitable for everyone and the County. Mr. Nixon summarized that all parties were still in the discussion phase and once a plan had been agreed upon Mr. Williams would bring it back to the Committee.

#### **Training Report – Wayne Green**

Mr. Green presented the Monthly Training Report, a copy of which was included in Committee Member's packet. Mr. Green reported that four sessions, for the volunteer system, had been conducted for the Advance Life Support System and only one student attended as a result the training has been suspended. He noted the course was an Advance Life Support for paramedics, intermediate and advanced EMT's and there are very few in the county as volunteers, the one's the county does have are trained and certified in other jurisdictions and receive training through their employment. He reported he had turned the course schedule over to the Rescue Committee who will develop a new course schedule.

Mr. Nixon asked if the CPR class was open to County employees to attend. Mr. Green confirmed they were and agreed to publish the class schedule to employees beginning with the next class. Mr. Bossio asked that Mr. Green coordinate with the Risk Management Director, Ms. Farmer-Dumas, who had previously administered CPR courses for County employees.

Mr. Williams said he understood that Mr. Green had sent letters to every EMT instructor in the County asking if they would be interested in teaching and would like to know the response Mr. Green received. Mr. Green said he had identified 17 local instructors in Culpeper and surrounding counties, the three instructors in the County were not interested, did not respond or had committed to classes in other jurisdictions. He had spoken to three other instructors outside of the area who are willing to teach the classes. Mr. Nixon asked what reason the Culpeper instructors gave for not wanting to teach. Mr. Green thought they were teaching classes in Fauquier County. Mr. Nixon asked if they were on staff in Culpeper. Mr. Green replied two were and one was a volunteer. Mr. Nixon commented they were staff people the County is paying, that have been asked to help with training, and they refused. Mr. Green responded somewhat yes. Mr. Nixon felt that issue needed to be addressed.

#### **→ Consideration of proposed lease agreement with New Salem Baptist Church for the use of the former Salem Volunteer Fire Department facility for storage purposes and the estimated renovation costs (Note: This matter was postponed by the Board at its September meeting for further consideration and recommendation by the Committee.)**

Mr. Howard informed the Committee there had been some discussion at the Board level about the lease of the facility and the terms. Since the Board meeting the County Attorney Mr. Thorpe had revised it to be a ten year lease and if terminated any earlier the New Salem Baptist Church would pay the County a depreciated cost of the renovations on straight line depreciation. He reported the Church indicated a willingness to agree to the lease. He also reported interest from Full Circle Thrift to lease a portion of the building in the garage bays to use as storage.

Mr. Nixon reviewed the approval process the lease had gone through to that point, saying it had been referred from the committee to the Board level. At the Board level there were some questions concerning the cost of renovations and if the County spend \$69,000 in

renovations then the lease should be an extend lease versus a one or two year lease. After the Board reviewed the lease it was decided that in order for the County to get the best return on it's investment the lease should be extended. Mr. Howard added that the \$69,000 figure was for renovations only and there would be another \$32,000 in annual operating cost for a total of \$91,000.

Mr. Chase commented that in the previous version of the lease the County would have paid \$91,000 for a one year lease.

After brief discussion Mr. Nixon asked what the revised term on the lease was. Mr. Thorpe replied, ten years, with an opt out provision, but if the church gives notice and opts out that is when the depreciation schedule applies and the County receives a refund of the unused portion of the value of the improvements. Mr. Nixon asked if there was a reason a renewal clause was not addressed. Mr. Thorpe replied he was simply trying to keep the lease simple and he felt that over the course of ten years both parties would have enough time to discuss and amendment the lease to extend it. Mr. Nixon asked if Mr. Thorpe's recommendation was not to add a renewal clause. Mr. Thorpe did not feel it was necessary at that point, but if the Committee wanted it added he questioned how the Committee could project the County's needs ten years out, but if it was just an option to renew it could be added. Mr. Nixon commented he would like to see a short paragraph saying something to the effect of renewable if the parties agree.

Mr. Chase questioned if the church was willing to sell the property. Mr. Nixon replied they had been asked on two occasions and were not interested in selling the property.

Mr. Nixon summarized the discussion, stating there will be approximately \$69,000 in renovation costs and approximately \$30,000 a year in operational costs which would be more than first anticipated. A brief discussion of Full Circle Thrifts lease for the building concluded with Mr. Howard saying that he had been engaged in discussions with them but there were no terms at that time.

Mr. Nixon asked for the Committee's thoughts on the lease.

✓ Mr. Chase moved, Mr. Walker seconded recommending the Board approve the proposed 10 year lease, with a renewal clause, with the New Salem Baptist Church for use of the former Salem Volunteer Fire Department facility.

Mr. Nixon called for a voice vote.

Ayes – Nixon, Chase, Williams, Branch, Walker, Monaco

Motion carried 6 - 0

### **Other Business**

With no items on the agenda for Other Business Chairman Nixon asked if there were any updates for Pending Items.

Mr. Monaco asked for a discussion of the Fire Levy. He stated the Fire and Rescue Association had tasked their Budget and Finance Committee to come up with priority funding for the Fire Levy as was requested in a previous Safety Committee meeting. He reported the Association is working on an infrastructure for combined purchasing but wanted the Committee

to be aware that currently most departments make their purchases using the Council of Governments bidding system which allows agencies in different jurisdictions to combine bids.

Mr. Nixon commented the idea behind cooperative purchasing was to control cost and prevent unnecessary duplication he didn't know that there was any unnecessary duplication but felt this was a mechanism to guard against it. He felt cooperative purchasing also helped to standardize equipment which helped standardized training which led to standardized operating procedures and that helps to lower workers compensation and insurance costs. He believed if the Association could get to that point, then it would be easier to go to the Board and to the citizens and ask for a Fire Levy.

A general discussion of standardization of apparatus ensued.

Mr. Walker asked if any plans had been developed in the event a natural or manmade disaster occurred disabling the County's emergency radio network.

Mr. Bossio asked if Mr. Walker was referring to EMP because that was a particularly difficult threat to guard against. Mr. Walker stated he wasn't referring any particular threat, he was just interested in knowing if the issue had been addressed and what the plan was. Mr. Nixon commented that EMP stood for Electromagnetic Pulse. Mr. Bossio agreed there should be procedures for emergency personnel to follow in the event of an outage.

Mr. Chase stated over the weekend he had witnessed an accident in which a milk truck had turned over, there were no injuries and sheriff's deputies were on the scene. A short time later he witnessed a state police unit, with lights and siren driving at high speed, responding to the same accident. At a curve in the road the state police unit startled an elderly couple and caused them to drive off the road into a ditch. Mr. Chase asked Sheriff Branch if some type of system could be developed to notify emergency responders that the situation was under control and there was no emergency.

Sheriff Branch stated there are procedures in place just for this type of situation but he was not sure what happened in this incident. Mr. Chase said he was just wondering if a mechanism was in place.

Mr. Monaco commented that in regard to item 3 under Pending Items, the Association has a final draft that is being routed to all of the departments for review and should be presented to the Committee within the next 60 day.

### **Adjournment**

The meeting was adjourned at 9:14 a.m.

- Indicates subject with recommendation  
✓ Indicates recommendation forwarded

***PUBLIC WORKS COMMITTEE***  
***Tuesday, September 8, 2009***  
***10:30 p.m.***

Members Present: Sue Hansohn, Larry Aylor, Tom Underwood  
Staff Present: Frank Bossio, Roy Thorpe, Paul Howard, John Egertson, Donna Foster  
Others Present: None  
Members Absent: None

**CALLED TO ORDER**

Mrs. Hansohn called the meeting to order at 10:30 a.m.

**Approval of Agenda**

Mr. Aylor moved, Mr. Underwood seconded, approval of the agenda as presented.

**New Business**

→ a. **Consideration of request for water/sewer utility service to the "Old Boxwood Motel" on Route 29**

Mr. Howard provided a background summary noting Staff received a request from the RRCSB to include the "Old Boxwood Motel" in the County's utility service area. RRCSB is marketing the property, but the lack of a functioning drain field is impacting the value of the property. Water and sewer service to the property is addressed in the Master Water and Sewer Plan. Figures from the Plan showing how it will ultimately be served are attached. The closest sewer service at this time is in the Three Flags development. In order to serve the referenced property, the County would need to construct approximately 7,400 feet of gravity sewer at a cost of approximately \$1,100,000. At this time, the property is not included within the adopted water and sewer service areas shown in the attached map, however, if a future owner requested water and/or sewer service for this property and was able to finance the construction of the lines, the County staff would recommend expanding the service area to include this property.

Mr. Howard stated based on the current location of water and sewer and the distance to this property he did not recommend including it within the adopted service area without any means or method of serving this property at any time in the near future.

Mrs. Hansohn asked if the property was zoned commercial. Mr. Egertson responded yes.

Mr. Underwood stated he knew there may be other requests and that he understand there would be a cost to build the line, and the property along Route 29 was zoned commercial. He asked what would be the County's obligation if it was included in the plan and the Old Boxwood Motel was

sold to someone who wanted water and sewer service. Mr. Howard responded that ideally when service areas are adopted, the County is indicating that the water and sewer is available to the areas. He said the service areas could be extended to the area in question, but he believed it was 'far reaching' to do so at this point.

Mrs. Hansohn asked if Mr. Howard thought it was something that could be considered in three-five years to see what position the County might be in then. Mr. Howard stated the service area can be amended at any time and he recommended that when the County has the means or a cost sharing method to handle the extension that it could be considered.

Mr. Aylor and Mr. Howard discussed how it could work if there was an identified user with joint participation in the costs. Mr. Aylor noted considering the current market conditions it would mostly likely not be cost effective and someone could come in and place a large demand on the County for service.

Mrs. Hansohn noted that if the request was granted it would be a good marketing tool for RRCSB; however, if the service could not be provided for sometime it could be perceived as being deceptive to prospective buyers.

Mr. Howard emphasized that the water and sewer service was "\$1,000,000" away from being available. Mrs. Hansohn stated if a buyer was found, then they could come in and explain their plans and consideration could be given at that time. Mr. Aylor agreed and noted that currently the County had a certain amount of water and sewer available and it was pretty much targeted for certain areas.

Mrs. Hansohn suggested that RRCSB be informed that once they have a potential buyer they could approach the County for an amendment to the service area.

Mr. Bossio pointed out that the County and Town were currently discussing the water and sewer agreement which could conceivably change things. He believed the request letter was contemplated before the last agreement with the Town was in place, so this needed to be taken into consideration.

Mr. Thorpe clarified that the service area designation is not a promise to serve. It was reserving the territory for service and prohibiting others from doing so. When to extend or not to extend was a governmental decision and that decision should be made on the current conditions at that time. He further clarified that the governing body would not be obligated to serve.

Mr. Underwood stated it is a commercial property and a business may find it an attractive location. He stated he in no way wanted to obligate the County and Mr. Thorpe had helped with this question.

Mr. Underwood stated he would defer to Mr. Aylor's opinion since it was in his district. Mr. Aylor stated he wanted everyone to understand that it was viewed as a commercial area and the County was open for business; however, at this point, and especially with the on-going negotiations with the Town, he recommended remaining with the current service area.

✓ Mr. Aylor moved, to recommend based on the current point of the County and Town water and sewer negotiations, that the Board continue with the current adopted water and sewer service areas with the understanding it can consider the request to include the "Old Boxwood Motel" in the future. Mr. Underwood seconded the motion.

The motion carried with all Ayes.

**AJOURNMENT**

The meeting adjourned at 10:43 a.m.

- Indicates subject with recommendation  
✓ Indicates recommendation forwarded

**RULES COMMITTEE MEETING**  
***Tuesday, September 8, 2009 - 9:00 a.m.***

Members Present: Steve Walker, Steve Nixon, Tom Underwood  
Staff Present: Frank Bossio, Roy Thorpe, John Egertson, Donna Foster, Carl Sachs, Valerie Lamb,  
Paul Howard, Denise Whetzel  
Others Present: Larry Aylor, Edward Dalrymple, II (part of the meeting)  
Members Absent: None

**CALL TO ORDER**

Mr. Walker called the meeting to order at 9:00 a.m.

**AGENDA – Approval of Agenda**

Mr. Underwood moved, Mr. Nixon seconded, to approve the agenda as presented. The motion carried with all Ayes.

**Unfinished Business**

**a. Discussion regarding the provisions of Chapter 14, Section 14-42 of the Culpeper County Code, regarding prohibition of individual, on-lot wells in certain locations**

Mr. Egertson stated the Committee had requested staff to supply two items of information. First a summary of the community water supply systems in the County was requested. Based upon Health Department data a spreadsheet had been prepared and included in the Committee packet showing all such systems, both commercial and residential. The second item requested was information as to what jurisdictions, if any, are regulating rates in these systems, since Mr. Thorpe had determined that this was something that the County could legally do. Mr. Egertson explained that information was sought from VAPA and VACo. He stated he found no jurisdictions listed with VAPA that regulate fees for private water systems; however, in Loudoun County, the Loudoun Water and Sewer Authority actually owns all of the systems and regulates the fees. Ted McCormack with VACo had indicated he had never heard of a community regulating private system fees and Mr. McCormack did not recommend it.

Mr. Walker thanked him for the information and noted comments from last month was that the Committee was winding down on this subject matter at this time. He believed this would be helpful if the issue was brought forward again in the future. Mr. Underwood briefly discussed his thoughts and agreed it may not be necessary for the Committee to spend more time on the issue at this point.

Mr. Walker stated there may be further discussions needed in the future and thanked Mr. Egertson for the information he had provided.

→ **b. Consideration of Partnership for Economic Development and Job Training (Cedar Mountain Stone & Chemung Contracting)**

Mr. Sachs stated the Committee had asked that he present additional justification for including Cedar Mountain Stone and Chemung Contracting in the tax incentive program. He noted there are six active quarry operations in Culpeper County. Two of the quarries Cedar Mountain Stone and Luck Stone exclusively produce aggregate material for roadway construction. Chemung Contracting is the only asphalt production facility.

Mr. Sachs informed the Committee that Cedar Mountain Stone recently purchased a new rock crusher, 20 rail cars and two other vehicles at a total cost of \$966,655. Chemung Contracting purchased a new asphalt plant and a recycled fuel oil storage system at a total cost of \$3,190,435. All of these purchases were made for the purpose of making these companies more in line with current environmental efforts. The new asphalt plant and stone crusher are designed to process recycled materials. Roadway materials that are removed from existing roads can be processed by the new Cedar Mountain stone crusher and mixed with recycled #2 fuel oil in the new asphalt plant. The asphalt plant can also utilize other types of recycled oils. By using these new facilities, the company can reduce its cost finished materials by 25%. According to company officials, these cost savings are passed on to the consumer – normally in a competitive bidding environment. The older stone crusher and asphalt plant can use recycled materials. The rail cars are used to replace trucks that hauled aggregate stone to their Gainesville plant. Each rail car holds the equivalent of 5 truckloads. According to company officials the new rail cars have hauled the equivalent of 19,425 truckloads of aggregate to Gainesville during that last year. That is a total of 38,850 truck trips up and down US-29 removed in one year.

In summary, the investments made by Cedar Mountain Stone and Chemung Contracting have had a positive impact on the environment. Old roadway materials that were previously unable to be used in public roadway projects are now recycled for that purpose. Reused natural carbon based resources and other oil-based elements are being recycled. Heavy haul trucks are being removed from the regions main thoroughfare. Moreover, costs have been reduced for government agencies and ultimately tax payers. This green initiative undertaken by Cedar Mountain Stone and Chemung Contracting should be applauded and rewarded. By allowing these businesses to participate in the tax incentive program.

Mr. Sachs noted that Mr. Ed Dalrymple, President of Cedar Mountain Stone and Vice-President of Chemung Contracting, was present to answer questions.

Mr. Walker stated at the last meeting the Committee had questioned if the program should be open to all quarries or if there were special reasons why this quarry should be considered. Mr. Sachs stated this was correct and noted there were two options: 1) make quarries eligible businesses; or 2) find sufficient reasons why this particular business should be granted eligibility due to its benefit to the community.

Mr. Thorpe stated the issues he had discussed at the last meeting still remained. He noted the incentive program is consistent with what other localities do to induce development and this was development that had already occurred. He was not certain if applying after the investment was made, met the original intent of the law. He said in order to do what Mr. Sachs is suggesting an interpretation of the language would be to allow the board to pick and choose organizations that are not otherwise identified because they have done something that is of great benefit to the County and therefore should be entitled to the tax incentive benefit. Mr. Thorpe said he did not read the language that liberally, because he was concerned with the general proposition of equal protection and application of the law. He believed if the Board wanted to approve Mr. Sachs recommendation a more direct way to do it was to amend the existing law to provide for granting the benefit to any quarry or asphalt company that goes through the process and expands their business.

Mr. Underwood said he was fine with amending the ordinance to include quarries if the rest of the members wished to do this. He preferred having consistency rather than looking for reasons. He added, that in terms of process, a business has to first make the investment before it can apply and believed the ordinance needed to be revisited. He said if the goal is incentives, then whether the investment is made largely could be dependent on whether or not the incentive will be received. He felt certain those making an investment would like some sort of certainty other than an application form. Mr. Underwood recalled Mr. Thorpe's comments regarding making the adjustments after the fact and whether or not that was the intent of the ordinance. He questioned if the ordinance could be changed to incentivize investment rather than awarding it after it occurs.

Mr. Sachs stated since he wrote the ordinance, he would be the first one to admit there may be improvements that could be made. However, the whole intent of the ordinance was so that businesses would understand if they met the eligibility criteria they would receive some incentives on the taxes they would have to pay on the new investment. It was not geared like other typical incentives where the incentives were offered upfront to get businesses to build or locate here. This program was set up to reward those making investments in the community whether or not they were existing or new businesses. He said they felt it was more important and efficient to lay out the rules, being fairly liberal, to allow businesses to be eligible to receive some of the taxes back on their new investment they made in the community.

Mr. Thorpe asked Mr. Sachs if it was fair to say the ordinance contained a list of businesses that would qualify. Mr. Sachs stated yes. Mr. Thorpe asked if in this particular instance of the quarry was there any holding out by the County that they would get this benefit or was it an inducement for their investment.

Mr. Sachs stated a list couldn't be all-inclusive, so a means of allowing businesses that were not on the list to be included under the program was provided. He said he could not speak for Mr. Dalrymple on whether or not he anticipated receiving the incentives before he made the decision to do the investment.

Mr. Bossio added that the ordinance was specifically designed to incentivize existing or new businesses. He said if the ordinance is changed then it would probably be necessary to allow any business that makes a similar investment in the community to be included.

Mr. Sachs stated the reason he chose the second alternative for flexibility purposes was to be able to address situations such as this one and allow the Board to weigh the benefits being received by the community versus making all quarries and asphalt plants eligible. He explained that a new quarry or asphalt company could locate by-right in Culpeper and the County may not want to offer that type of incentive.

Mr. Nixon questioned where in the ordinance did it say that the Board could make an exception. Mr. Sachs read from Section 12-183 (c).

Mr. Nixon stated he had raised some of the concerns at the last meeting and he felt some of them had been addressed. He noted his main concern was being fair across the Board and questioned if another classification needed to be considered to allow quarries. He commented that Cedar Mountain Stone had demonstrated an investment in the community and also had made numerous donations to projects and was supportive of the community in many ways (he added that he expected they would be donating to the Lenn Park development). Since the exception is allowed by the ordinance, he said, this may be an appropriate action to take. Mr. Nixon believed the ordinance needed to be further considered in the future to see if there were some different classifications that may have been missed or not thought of at the time.

✓ Mr. Nixon moved, to make an exception and recommend the Board approve the application for assistance under the Partnership for Economic Development and Job Training program for Cedar Mountain Stone Corporation.

Mr. Thorpe read from Section 12-183 (c) noted that "Such requests will only be made when the Department, as approved by the County Administrator, determines that the benefits of approving the application would have a significant and positive impact on the local economy." He asked why this required any action by the Board of Supervisors.

Discussion ensued with Mr. Sachs explaining the intent was that the request could go to the Board if the business was not eligible and he and the County Administrator concurred that it should be considered for the program. Further discussion ensued. Mr. Bossio clarified that the recommendation to consider the businesses for the tax incentives was before the Committee for consideration based on Mr. Sachs and him concurring that it should be considered.

Mr. Thorpe stated procedurally the matter would not be placed on the Board's agenda unless both Mr. Bossio and Mr. Sachs recommended it. Mr. Nixon stated he believed they were both recommending it and was bringing it to the Committee to find out if it had any objections and if not it would be taken to the Board.

Mr. Bossio said it was especially important to know if the Committee wanted to amend the ordinance. Mr. Nixon said they may want to look at the ordinance at some point in the future; however, the problem with amending the ordinance and making it open to everyone is there are some classifications that might not be as good of a community partner as Cedar Mountain Stone. He suggested if Cedar Mountain Stone was considered worthy of the tax incentive then that would be one consideration. If the County wants to open it to any business that invests "X" amount of dollars in the community, then that would be a different consideration.

Mr. Sachs stated that it had been mentioned to him the possibility of making quarries and asphalt companies eligible for a specific time and have a sunset provision. Mr. Nixon asked why would they just have a window and not others. He believed that this could be considered as unfair.

Discussion ensued with Mr. Underwood agreeing that having a time limitation, in order to create an incentive for a business to invest, could be worthwhile versus having to pick one over another. He stated he like Cedar Mountain Stone and recognized them as a great community partner; however, he did not like the precedent of making an exception. Mr. Nixon pointed out the exception would be based upon their application. Mr. Underwood further expressed his concerns.

Mr. Nixon stated there is an application with a set of criteria and the companies had met that and the Committee had added a request for even more justification to make it more amenable.

Mr. Walker commented that type of debate was good for amending the ordinance; however, they currently had applicants under the current ordinance and a decision had to be made. He said it appeared there was a mechanism in the current ordinance that allowed an exception. He asked if the exception could be legally granted under the current ordinance.

Mr. Thorpe remarked that he was the one that had discussed with Mr. Sachs the idea of a window of opportunity; provided the window was reasonable and fair. If the ordinance is to be changed, Mr. Thorpe noted attention needed to be given to the tax year being based on the calendar year and this could complicate things. Mr. Nixon stated the Committee was considering granting an exception. Mr. Thorpe agreed an exception could be done immediately.

Mr. Walker agreed with granting an exception and noted that based on the discussion, the Committee could then consider changing the ordinance. He questioned if the County could legally make an exception. Mr. Thorpe responded that the ordinance could be read as allowing an exception as long as it was not applied arbitrarily or capriciously. He said if the Board wished to grant the exception then he could point to the fact that the County acted in accordance with its own ordinance.

Mr. Walker pointed out that the ordinance also allowed an appeal process.

Mr. Underwood asked if they would be counted as two investments by two separate companies.

Mr. Sachs stated that it was two applications; however, he had not gotten with the assessors on what the assessments would be.

Mr. Underwood expressed his appreciation for Cedar Mountain Stone and stated he understood the Board making an exception and believed it was a legal action; however, he did not like the ordinance allowing for exceptions and would not be supporting the motion.

Mr. Dalrymple clarified that there were two applications from two different companies and briefly explained the difference in the business activities conducted by the companies.

Mr. Nixon commented that this would be a one-time exception for this investment only and it did not mean that the companies could apply for more.

✓ Mr. Nixon and Mr. Underwood agreed both companies should be included in the original motion. The motion would read: to recommend the Board approve the applications for assistance under the Partnership for Economic Development and Job Training program for Cedar Mountain Stone Corporation and Chemung Contracting Services.

The motion carried 2 to 1: Mr. Nixon and Mr. Walker voting Aye; Mr. Underwood voting Nay.

Mr. Sachs asked if the Committee wanted a review of the ordinance in terms of making quarries and asphalt plants eligible entities. The Committee agreed the ordinance should be reviewed especially since it had been in effect for a couple of years and there might be more business types to include and more information to consider now.

Mr. Walker stated the Committee could further consider the ordinance next month.

**c. Consideration regarding establishing a Giles H. Miller, Jr. Memorial**

Mr. Howard noted the Committee had requested staff explore options for naming the "Wachovia Bank Building" or some other County property after Giles H. Miller, Jr. He noted some of the documents included a "P" as the middle initial and this would all be corrected. He believed the Wachovia Bank building was an excellent choice and discussed the background of Mr. Miller's ties to the building.

Mr. Howard provided a PowerPoint presentation containing options for the Committee to consider in placing Mr. Miller's name on the exterior of the Wachovia Bank building and constructing a memorial inside the main entrance lobby.

Following Mr. Howard's briefing on the options, he asked for the Committee's comments and suggestions on how to proceed.

Mr. Nixon supported doing the memorial and he liked the idea of having the letters on the outside of the building, as depicted in the first drawing, and in the color to match the trim of the building. He stated he also liked the memorial plaque being installed inside the building similar to the plaque in the emergency room at the hospital. The plaque could contain statements on the contributions made by Mr. Miller.

Mr. Underwood had no objections to Mr. Nixon's suggestions and believed that naming the Wachovia Building was a good choice. He expressed concern with spending money at this time and questioned if soliciting contributions would be feasible. He noted some of the organizations that Mr. Miller had been involved with might be willing to contribute to having the former "Culpeper National Bank" building named in his honor.

Mr. Nixon stated he was not saying it should not be done; however, it would slow the process.

Mr. Walker noted it was appropriate for the Rules Committee to recommend naming the building, but as far as the design and layout, he would like to confer with Building and Grounds. As far as taking contributions, that may have to come from Rules to the full Board. Mr. Underwood stated he did not want to slow the process and the County Attorney may not agree with seeking contributions.

Mr. Thorpe noted it was not a legal matter and he had no comment.

Mr. Walker asked if anyone had a recommendation on how to set up for receiving contributions. Mr. Nixon stated his feelings might be a little different since Mr. Miller was a good friend of his and he had never heard anyone say anything bad about Mr. Miller. He supported doing a memorial with the cost being limited to about \$1,500. Mr. Underwood agreed.

Mr. Howard believed that the cost would be under \$2,000. Mr. Walker stated if contributions did not have to be discussed further, then the next step would be to move the item to Building and Grounds for consideration.

✓ Mr. Nixon moved, Mr. Underwood seconded, to approve the concept of the memorial for Giles H. Miller, Jr. and to refer it the Building & Grounds Committee for consideration of the details.

The motion carried with all Ayes.

### **New Business**

#### **a. Consideration of a request from State Theatre Foundation for building permit refund**

Mr. Bossio noted a letter had been received from Raven Yates, Executive Director of the State Theatre, requesting that a refund of a building permit in the amount of \$17,549.53. He noted they are doing this in an attempt to retain monies for the renovation project of the State Theatre.

Mr. Underwood asked what the County inspections costs would be to inspect the building. Mr. Bossio stated he did not have that information. Mr. Walker noted sometimes the County had to use outside sources for some of the inspections and this would have to be taken into consideration.

Mr. Bossio suggested action be postponed, so staff could develop a cost analysis. Mr. Walker mentioned the economic value of this being in the community and stated this should be included in the analysis as well. Mr. Underwood stated he strongly supported the project, but did not believe the County was in a position to make more charitable contributions at this time.

Mr. Nixon suggested the option of refunding the building permit fee less the County's inspection costs. Mr. Underwood liked this suggestion.

Mr. Nixon moved, Mr. Underwood seconded, to postpone the matter for thirty days.

Mr. Walker asked what information would be needed. Mr. Nixon stated specifically the 'hard' costs to include any third party reviews would be deducted from the refund. Mr. Walker asked about the cost of time. Mr. Underwood and Mr. Nixon agreed those costs could possibly be donated.

Mr. Bossio stated that staff would provide the cost analysis and the Committee could decide what to include or not to include in the refund.

The motion carried with all Ayes.

**b. Discussion regarding the history of the Planning Commission**

Mr. Walker noted that this had been on the pending agenda for a while. Mr. Egertson stated he had put together some general information regarding the origins of the County Planning Commission, its make-up, and some information regarding the Planning Commissions in other localities. He noted there were nine, at-large members on the Commission which had been officially set up in 1976. Mr. Egertson stated he did not find any real details on why they were at-large members and not appointed by district. He noted he had provided information on planning commissions in surrounding jurisdictions which reflected how they set up their commissions. He noted out of the seven localities listed only Madison as appointing its members at-large. Mr. Underwood pointed out that Madison's Board of Supervisors was elected at-large.

Mr. Nixon noted that some of the other Culpeper County committees, boards, etc. are appointed by district and wondered why this was different. Mr. Egertson said he had no definite answer, but could assume that the forefathers did not want to politicize the body in anyway and just allowed them to make the best planning or land use decisions without regard to district.

Mr. Underwood asked if Mr. Egertson had asked any of the Board members from that timeframe and he said he had not. Mr. Nixon questioned why there would be nine members versus seven. Mr. Egertson did not know, but said that nine was a good number. It allowed room to have a good cross section of people and he had been happy with it for the past 18 years he had worked with the Commission.

General discussion ensued relative to a joint town and county commission existing at one time. Mr. Nixon noted if it was done by district it would be equal representation and there could be two at-large members.

Mr. Egertson said he had no issues with changing to appointments by districts, changing the membership number, or allowing it to remain as it is currently established. In response to questions, he said he had not noted any problems with getting a quorum and noted if individuals were appointed by districts they may be more focused on their districts and talk more to just their constituents.

Mr. Underwood stated he was almost at the point 'if its not broken-don't fix it.'

Mr. Walker pointed out there was a relationship between the Town and County that needs to be considered when looking at the large picture of planning and zoning.

Mr. Nixon suggested that two of the Town's planning commission members could serve on the County Commission. Mr. Underwood noted as long as it was reciprocal and the County had representatives on the Town's Commission he could agree with this suggestion.

Mr. Nixon stated this would provide a bleed-over of information on what is happening on both the town and county. Mr. Walker suggested one from each body that could cross over might be sufficient. The Committee further discussed this idea. Mr. Underwood pointed out that applications from town residents were certainly welcomed by the County. Mr. Egertson said that Ace Payne had been a long-standing commissioner who had lived in the Town and he had done a good job.

Mr. Walker asked if there were any problems from a legal standpoint on allowing two members from crossing over between the two commissions. Mr. Egertson said he was not sure, but didn't think there would be. He said finding someone wanting to take on the extra workload might be a problem.

Mr. Nixon did not think the suggestion was ready to become a recommendation yet and suggested that the Committee further consider the issue and then discuss the issue with the Board, possibly in closed session, prior to making it a formal recommendation. Mr. Underwood stated he was not sure about closed session. Mr. Walker stated it may involve discussion of persons involved.

Mr. Walker stated that this could be brought back for discussion at their next month's meeting and suggested staff consider whether or not there were any legal conflicts with the idea. He said it would also be interesting to see if the Town had any feedback on the suggestion. Mr. Underwood questioned how much the Planning Commission members received for serving. Mr. Egertson was not certain.

Mr. Walker asked if it was a requirement for the Planning Commissioners to take the training to become certified. Mr. Egertson stated no, it was not a requirement and he was not sure if all of the members had received the training. Mr. Walker stated this would be good to ask on the reapplication form.

A general discussion ensued relative to discussing the concept with the Town with it being noted that it might not be good to include this item on the joint meeting agenda when discussing the water and sewer issues for fear it might slow the process on those issues.

Mr. Walker informed Mr. Aylor, who had been temporarily out of the meeting during the discussion on the Giles H. Miller, Jr. memorial concept, that the Committee had approved the concept of naming the Wachovia Bank building for Mr. Miller and this concept was being referred to the Building and Grounds for consideration on how to work out the details. Mr. Aylor appreciated the update and said the Committee would consider this matter.

### **Adjournment**

The meeting adjourned at 10:10 a.m.

### **Pending Items:**

- Proposed Amendment to Chapter 6 Building Regulations (Oct. 2009)
- Discussion of fireworks display approval procedure
- Discussion regarding Closed Session policy/recommendations
- Review Rules of Procedure (Nov. 2009)

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CULPEPER, VIRGINIA APPROVING THE LEASE FINANCING OF VARIOUS CAPITAL PROJECTS FOR THE COUNTY AND AUTHORIZING THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF A PRIME LEASE AND A FINANCING LEASE, AND OTHER RELATED ACTIONS**

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Culpeper, Virginia (the "County"), intends to finance all or a portion of the costs (or to reimburse the County for payment of such costs) of various capital improvements, including the renovation of the former Wachovia Bank building for use by the County (the "County Office Project"), the construction of an emergency medical services building and the renovation of the County courthouse (collectively, the "Projects");

**WHEREAS**, the Board has determined that it is in the best interest of the County to enter into a lease arrangement in order to obtain funds to finance the Projects;

**WHEREAS**, the Board is authorized, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, to lease any improved or unimproved real estate held by the County;

**WHEREAS**, Virginia Resources Authority ("VRA") intends to issue its Infrastructure and State Moral Obligation Revenue Bonds (Virginia Pooled Financing Program), Series 2009B (the "VRA Bonds"), and to provide a portion of the proceeds to the County to finance the Projects pursuant to the terms of a Local Lease Acquisition Agreement (the "Local Lease Acquisition Agreement") and a Financing Lease (the "Financing Lease"), both between the County and VRA;

**WHEREAS**, the County will enter into a Prime Lease (the "Prime Lease") with VRA whereby the County will lease any or all of the parcel or parcels of real estate on which the Projects will be located as may be required by VRA (the "Real Estate") and the associated improvements and property to be located thereon as part of the Projects or otherwise (the "Improvements") to VRA;

**WHEREAS**, the County will enter into the Financing Lease with VRA pursuant to which VRA will lease the Real Estate and the Improvements back to the County and the County will make rental payments corresponding in amount and timing to the debt service on the portion of the VRA Bonds issued to finance the Projects (the "Rental Payments");

**WHEREAS**, pursuant to the Financing Lease the County will undertake and complete the Projects;

**WHEREAS**, the County intends to pay the Rental Payments out of appropriations from the County's General Fund;

**WHEREAS**, the Local Lease Acquisition Agreement shall indicate that \$4,200,000 is the amount of proceeds requested (the "Proceeds Requested") from VRA;

**WHEREAS**, VRA's objective is to pay the County an amount which, in VRA's judgment, reflects the market value of the Rental Payments under the Financing Lease (the "VRA Purchase Price Objective"), taking consideration of such factors as the purchase price to be received by VRA for VRA Bonds, the underwriters' discount and the other issuance costs of the VRA Bonds and other market conditions relating to the sale of the VRA Bonds;

**WHEREAS**, such factors may result in the County receiving an amount other than the par amount of the aggregate principal components of the Rental Payments under the Financing Lease and consequently (i) the aggregate principal components of the Rental Payments under the Financing Lease may be greater than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized aggregate principal components of the Rental Payments under the Financing Lease set forth in Section 4 of this Resolution does not exceed the Proceeds Requested by at least the amount of any discount, the amount to be paid to the County, given the VRA Purchase Price Objective and market conditions, will be less than the Proceeds Requested;

**WHEREAS**, the Local Lease Acquisition Agreement, the Prime Lease, and the Financing Lease are referred to herein as the "Documents."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CULPEPER, VIRGINIA:

1. Approval of Lease-Leaseback Arrangement. The lease-leaseback arrangement with VRA to accomplish the financing of the Projects is hereby approved.
2. Approval of Prime Lease. The leasing of the Real Estate and the Improvements by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease is hereby approved.
3. Approval of the Financing Lease. The leasing of the Real Estate and the Improvements by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease is hereby approved.
4. Approval of the Terms of the Rental Payments. The Rental Payments set forth in the Financing Lease shall be composed of principal and interest components reflecting an original aggregate principal amount not to exceed \$5,000,000, a "true" or "Canadian" interest cost not to exceed five and one-half percent (5.5%) per annum (taking into account any original issue discount or premium and taking into account the direct credit payments expected to be made by the United States to VRA, the benefit of which may be passed on to the County, if any VRA Bonds are issued as Build America Bonds), and a term not exceeding twenty-five (25) years from the date of the Financing Lease.

It is determined to be in the best interest of the County to accept the offer of VRA to enter into the Financing Lease with the County for an amount determined by VRA to be fair, subject to the conditions set forth in this Resolution, which Financing Lease shall be executed by the Chairman of the Board (the "Chairman") and the County Administrator, or either of them. Given the VRA Purchase Price Objective and market conditions, it may become necessary to enter into the Financing Lease with aggregate principal components of the Rental Payments

greater than the Proceeds Requested. If the limitation on the maximum aggregate principal components of Rental Payments on the Financing Lease set forth in this Section 4 restricts VRA's ability to generate the Proceeds Requested, the Financing Lease may be entered into for an amount of not less than 95% of the Proceeds Requested. The Chairman, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into the Local Lease Acquisition Agreement.

The actions of the Chairman and the County Administrator in determining the final terms of the Rental Payments shall be conclusive, and no further action shall be necessary on the part of the Board.

5. Other Payments under Financing Lease. The County agrees to pay all amounts required by the Financing Lease, including any amounts required by Section 5.1(b) of the Financing Lease, including the "Supplemental Interest," as provided in such section.

6. Execution and Recordation of Documents. The Chairman and the County Administrator, either of whom may act, are authorized and directed to execute the Documents and deliver them to the other parties thereto. The Chairman and the County Administrator, either of whom may act, are further authorized to cause the Prime Lease and the Financing Lease, to be recorded in the Clerk's Office of the Circuit Court of Culpeper County.

7. Form of Documents. The Documents shall be in substantially the forms on file with the County Administrator, which are hereby approved with such completions, omissions, insertions and changes as may be approved by the Chairman and the County Administrator, either of whom may act, with the execution and delivery of the Documents by the Chairman and/or the County Administrator constituting conclusive evidence of the approval of any such completions, omissions, insertions, and changes.

8. Essentiality of the Projects. The Projects are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Projects will continue to be essential to the operation of the County during the term of the Financing Lease.

9. Annual Budget. While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next

scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

10. Rental Payments Subject to Appropriation. The County's obligation to make the Rental Payments and all other payments pursuant to the Financing Lease is hereby specifically stated to be subject to annual appropriation therefor by the Board, and nothing in this resolution or the Documents shall constitute a pledge of the full faith and credit nor taxing power of the County or compel the Board to make any such appropriation.

11. Disclosure Documents. The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator is authorized and directed to take whatever actions are necessary and/or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

12. Tax Documents. The County Administrator is authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement and/or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the VRA Bonds to be received pursuant to the Documents and containing such covenants as may be necessary in order for the County and/or VRA to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), with respect to the VRA Bonds and the Documents including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds of the VRA Bonds to be received pursuant to the Documents will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Financing Lease and that the County shall comply with the other covenants and representations contained therein.

13. Other Actions. All other actions of the officers of the County in conformity with the purpose and intent of this resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the execution and delivery of the Documents.

14. SNAP Investment Authorization. The Board authorizes the Treasurer to have the option to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") in connection with the investment of the proceeds of the lease-leaseback transaction. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

15. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

16. Effective Date. This resolution shall take effect immediately.

## CERTIFICATE OF CLERK

The undersigned Clerk of the Board of Supervisors of the County of Culpeper, Virginia, hereby certifies that:

1. A regular meeting (the "Meeting") of the Board of Supervisors of the County of Culpeper, Virginia (the "Board"), was held on October 6, 2009, at which the following members were present and absent:

PRESENT: Larry W. Aylor, William C. Chase, Jr., Sue D. Hansohn, Steven E. Nixon, Brad C. Rosenberger, Tom S. Underwood, and Steven L. Walker

ABSENT: None


2. A Resolution entitled "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CULPEPER, VIRGINIA APPROVING THE LEASE FINANCING OF VARIOUS CAPITAL PROJECTS FOR THE COUNTY AND AUTHORIZING THE LEASING OF CERTAIN COUNTY-OWNED PROPERTY, THE EXECUTION AND DELIVERY OF A PRIME LEASE AND A FINANCING LEASE, AND OTHER RELATED ACTIONS" was duly adopted at the Meeting by the recorded affirmative roll-call vote of a majority of all of the members elected to the Board, the ayes and nays being recorded in the minutes of the Meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Larry W. Aylor	Aye
William C. Chase, Jr.	Aye
Sue D. Hanson	Aye
Steven E. Nixon	Aye
Brad C. Rosenberger	Aye
Tom S. Underwood	Aye
Steven L. Walker	Aye

3. Attached hereto is a true and correct copy of the foregoing resolution as recorded in full in the minutes of the Meeting.

4. The attached resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the County of Culpeper, Virginia, this 6th day October, 2009.

  
Clerk of the Board of Supervisors  
of the County of Culpeper, Virginia

[SEAL]